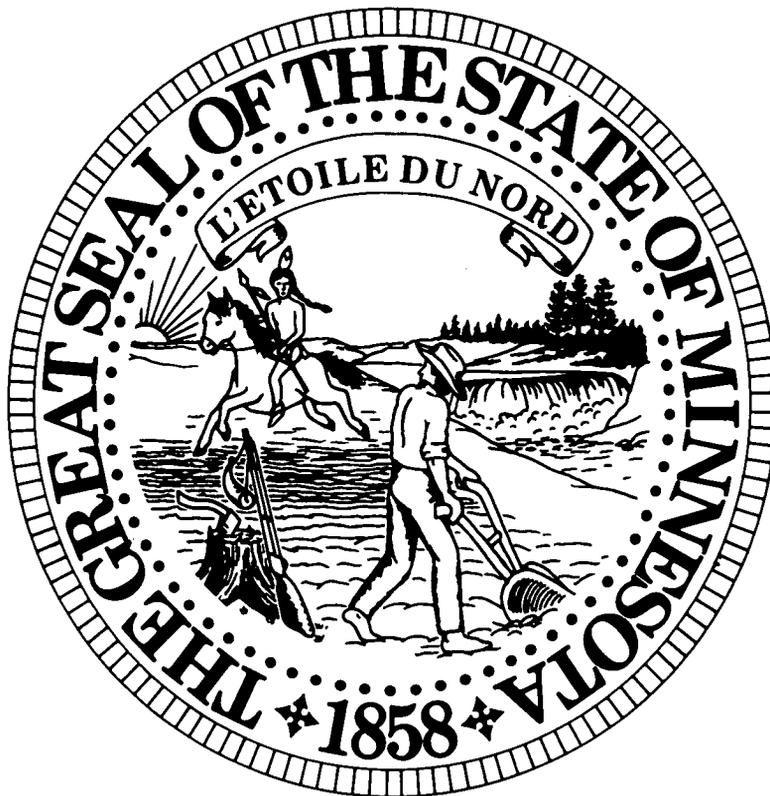


P182

1

The Minnesota
**State
Register**

Department of Administration—Print Communications Division



Rules edition
Published every Monday
(Tuesday if Monday is a holiday)

Monday 8 July 1991
Volume 16, Number 2
Pages 29-88

State Register

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official notices, state and non-state contracts, contract awards, grants, a monthly calendar of cases to be heard by the state supreme court, and announcements.

A *Contracts Supplement* is published every Thursday and contains additional state contracts and advertised bids, and the most complete source of state contract awards available in one source.

Printing Schedule and Submission Deadlines

Vol. 16 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
#2	Monday 24 June	Monday 1 July	Monday 8 July
#3	Monday 1 July	Monday 8 July	Monday 15 July
#4	Monday 8 July	Monday 15 July	Monday 22 July
#5	Monday 15 July	Monday 22 July	Monday 29 July

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

The *State Register* is published every Monday (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *State Register Contracts Supplement* is published every Thursday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme court; a monthly calendar of scheduled cases before the supreme court; and other announcements. The Thursday edition contains additional state contracts and advertised bids, and the most complete listing of contract awards available in one source.

In accordance with expressed legislative intent that the *State Register* be self-supporting, the following subscription rates have been established: the Monday edition costs \$140.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined Monday and Thursday editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, include both the Monday and Thursday edition, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

Both editions are delivered postpaid to points in the United States, second class postage paid for the Monday edition at St. Paul, MN, first class for the Thursday edition. Publication Number 326630 (ISSN 0146-7751).

Subscribers who do not receive a copy of an issue should notify the *State Register* circulation manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

Arne H. Carlson, Governor

Dana B. Badgerow, Commissioner
Department of Administration

Stephen A. Ordahl, Director
Print Communications Division
Robin PanLener, Editor

Paul Hoffman, Assistant Editor
Debbie George, Circulation Manager
Bonita Karels, Staff Assistant

FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

SENATE

Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office
Room 231 State Capitol, St. Paul, MN 55155
(612) 296-0504

HOUSE

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office
Room 175 State Office Building, St. Paul, MN 55155
(612) 296-2146

Contents

Minnesota Rules: Amendments & Additions

Issues 1-2 inclusive (issues #1-52, Vol. 15 appeared in #52) 32

Proposed Rules

Commerce Department

Long-term care 33
Medicare supplement 35

Dentistry Board

License fees 56

Marriage and Family Therapy Board

Continuing education 57

Adopted Rules

Human Services Department

Medical assistance mental health services 59

Pollution Control Agency

Underground storage tanks 59

Emergency Rules

Pollution Control Agency

Proposed emergency rules on air quality permit fees 64

Revenue Notices

Department of Revenue

Notice #91-1: Transitional periods for sales and use tax law changes 66

Official Notices

Administration Department

Opinion sought on rules for the Minnesota building code fees for public buildings 67

Opinion sought on rules for the Minnesota state building code 68

Human Services Department

Public comment period on state child welfare services plan 69

Public Safety Department

Opinion sought on rules for deputy registrars 69

Opinion sought on rules for the licensing of manufacturers and distributors of gambling devices 70

Secretary of State

Opinion sought on rules for establishing alternate procedures for the adoption of precinct boundary changes, posting notices of boundary changes, and notifying voters affected by boundary changes 70

Professional, Technical & Consulting Contracts

Administration Department

Proposals sought for building inspection services 71
Proposals sought for two assistive technology programs 75

Minnesota Comprehensive Health Association

Proposals sought for potential bidders for writing carriers 75

Health Department

Proposals sought for purchase of a competency evaluation for nursing assistants and home health aides 76

Higher Education Coordinating Board

Proposals sought for graphic arts and design services 76
Public information project proposals sought 76

Human Services Department

Proposals sought for a state technical assistance center for living-at-home/block nurse program projects 77
Proposals sought for a statewide toll-free compulsive gambling hotline 77

Jobs & Training Department

Proposals sought for a transitional housing program 77

Minnesota State Lottery

Proposals sought for a telephone survey 78

Transportation Department

Proposals sought for Minnesota signal optimization and timing assistance 78

State Grants

Higher Education Coordinating Board

Funds available for child care innovation grants 78

Housing Finance Agency

Proposals sought for the housing trust fund housing program 79

Trade and Economic Development Department

Opinion sought on grants for operation of a pilot technology access program 80

State Contracts & Advertised Bids

Administration Department

Materials Management Division: Commodities and requisitions open for bid 81

Printing Communications Division: Typesetting, keylining, photo prep and seps, printing, binding, labeling and mailing services open for bid 84

Announcements 85

Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the *State Register*

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-9747.

Issue #2 (Vol. 15, issues #1-52 appeared in #52)

Commerce Department

2741.0010-.0240 (proposed) 35
 2745.0010-.0050 (proposed) 33

Dentistry Board

3100.2000 (proposed) 56

Marriage and Family Therapy Board

5300.0320; .0360 (proposed) 57

Pollution Control Agency

7002.0400-.0450 (emergency proposed) 64
 7150.0010-.0500 (adopted) 59

Human Services Department

9505.0323 (adopted) 59
 9505.2165 (proposed) 5

Minnesota's future environment

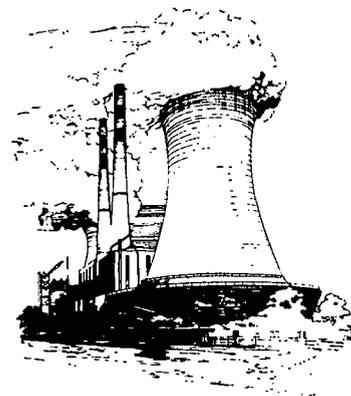
The issue of environmental protection is of continuing interest to both Minnesota business and the general public. Stay abreast of changes in state government regulations with these publications.

1989 Pollution Control Laws

Laws dealing with water pollution, disposal facilities, solid waste management, the MN Environmental Rights Act, recycling, and more. Code No. 2-21. \$24.95.

1991 Hazardous Waste Rules

Governs the production, storage, transportation and disposal of hazardous waste. MN Rules Chapter 7045 and 7046. Code No. 3-71. \$17.95.



TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-657-3757. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Commerce

Proposed Permanent Rules Relating to Long-Term Care

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Department of Commerce intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, Sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statute* Section § 45.023 and Section § 62A.56.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to *Minnesota Statutes* Section 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Richard G. Gomsrud
Department Counsel
Minnesota Department of Commerce
133 East Seventh Street
St. Paul, Minnesota 55101
(612) 296-5689

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from:

Richard G. Gomsrud
Department Counsel
Minnesota Department of Commerce
133 East Seventh Street
St. Paul, Minnesota 55101
(612) 296-5689

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to:

Richard G. Gomsrud
Department Counsel
Minnesota Department of Commerce
133 East Seventh Street
St. Paul, Minnesota 55101
(612) 296-5689

Dated: 25 June 1991

Bert J. McKasy
Commissioner of Commerce

Rules as Proposed (all new material)

2745.0010 PURPOSE.

Parts 2745.0010 to 2745.0050 are authorized and adopted pursuant to *Minnesota Statutes*, section 62A.56, subdivision 2. Their purpose is to establish general standards to ensure that assessments used in prescribing long-term care are reliable, valid, and clinically appropriate. Parts 2745.0010 to 2745.0050 apply exclusively to insurance and subscriber contracts that determine benefit entitlement based on an assessment of the insured's ability to perform the activities of daily living and to perform basic cognitive functions. Assessments satisfying the general standards in parts 2745.0010 to 2745.0050 are considered reliable, valid, and clinically appropriate.

2745.0020 ACTIVITIES OF DAILY LIVING.

General standards for determining coverage of long-term care based on an assessment of the insured's inability to perform activities of daily living include the following activities with definitions of performance not more restrictive than those shown in items A to E.

A. "Bathing" means washing oneself in either a tub or shower, including getting into and out of the tub or shower, or by sponge bath without the aid of another person.

B. "Dressing" means getting clothes from the closet or drawers, putting on clothes, and attaching any necessary braces or prosthesis without the aid of another person.

C. "Toileting" means getting to and from the toilet, getting on and off the toilet, and performing associated personal hygiene without the aid of another person.

D. "Transferring" means moving in and out of a bed, chair, or wheelchair without the aid of another person.

E. "Eating" means feeding oneself by any means without the aid of another person.

In addition to the activities in items A to E, other reasonable activities of daily living such as continence, walking, and wheeling may be taken into account if specified in the insurance contract.

2745.0030 COGNITIVE IMPAIRMENT.

General standards for determining coverage of long-term care based on cognitive impairment shall be based on an assessment of the insured's ability to perform basic cognitive functions. The definition of cognitive impairment shall not be more restrictive than the definition in this part. "Cognitive impairment" means deficiency in the ability to think, perceive, reason, and/or remember that results in the inability to take care of oneself without the ongoing assistance of or supervision by another person.

2745.0040 USE OF ASSESSMENTS.

A long-term care insurance policy may use activities of daily living and cognitive impairment assessments as a basis for defining when a service, type of care, or procedure could not be omitted without adversely affecting the patient's illness or condition.

Determining impairment under the insurance contract shall not be more restrictive than requiring either a deficiency in three of the above activities of daily living or the presence of cognitive impairment. An insurer may, by contract, require less restrictive criteria than the above determining benefit eligibility.

The determination of physical or cognitive impairment shall be based on generally accepted tests that use objective measures and produce verifiable results such as, but not limited to, the most recently adopted Minnesota Department of Human Services Preadmission Screening Assessment Form.

2745.0050 ALTERNATIVE STANDARDS AND CERTIFICATION.

If an insurer proposes standards other than those described in parts 2745.0020, 2745.0030, and 2745.0040, upon request the insurer

shall provide to the department a detailed description of the proposed assessment methodology explaining how the assessment would reasonably be expected to produce reliable, valid, and clinically appropriate results. The insurer is responsible for demonstrating that the assessment is reliable, valid, and clinically appropriate and not less beneficial to the policyholder than the standards described in parts 2745.0020, 2745.0030, and 2745.0040. An officer of the insurance company shall provide a certification that, to the best of the officer's knowledge, the assessment methodology is reliable, valid, and clinically appropriate.

Department of Commerce

Proposed Permanent Rules Relating to Medicare Supplement

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Department of Commerce intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, Sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statute* Section § 45.023 and Section § 62A.42.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to *Minnesota Statutes* Section 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Richard G. Gomsrud
Department Counsel
Minnesota Department of Commerce
133 East Seventh Street
St. Paul, Minnesota 55101
(612) 296-5689

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from:

Richard G. Gomsrud
Department Counsel
Minnesota Department of Commerce
133 East Seventh Street
St. Paul, Minnesota 55101
(612) 296-5689

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to:

Richard G. Gomsrud
Department Counsel
Minnesota Department of Commerce

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

133 East Seventh Street
St. Paul, Minnesota 55101
(612) 296-5689

Dated: 25 June 1991

Bert J. McKasy
Commissioner of Commerce

Rules as Proposed (all new material)

TRANSITIONAL REQUIREMENTS FOR THE CONVERSION OF BENEFITS AND PREMIUMS TO CONFORM TO MEDICARE PROGRAM REVISIONS

2741.0010 PURPOSE.

The purpose of parts 2741.0010 to 2741.0080 is to:

- A. assure the orderly implementation and conversion of Medicare supplement insurance benefits and premiums due to changes in the federal Medicare program;
- B. provide for the reasonable standardization of the coverage, terms, and benefits of Medicare supplement policies or contracts;
- C. facilitate public understanding of the policies or contracts;
- D. eliminate provisions contained in the policies or contracts that may be misleading or confusing in connection with the purchase of the policies or contracts;
- E. eliminate policy or contract provisions that may duplicate Medicare benefits;
- F. provide full disclosure of policy or contract benefits and benefit changes; and
- G. provide for refunds of premiums associated with benefits duplicating Medicare program benefits.

2741.0020 AUTHORITY.

Parts 2741.0010 to 2741.0080 are adopted under *Minnesota Statutes*, section 62A.42, providing authority for regulation of Medicare supplement insurance policies.

2741.0030 APPLICABILITY AND SCOPE.

Parts 2741.0010 to 2741.0080 supersede other rules and requirements relating to Medicare supplement policies or contracts only to the extent necessary to assure that benefits are not duplicated, that applicants receive adequate notice and disclosure of changes in Medicare supplement policies and contracts, that appropriate premium adjustments are made in a timely manner, and that premiums are reasonable in relation to benefits.

Except as otherwise provided, parts 2741.0010 to 2741.0080 apply to:

- A. Medicare supplement policies and contracts delivered, or issued for delivery, or that are otherwise subject to the jurisdiction of the Minnesota Department of Commerce on or after the effective date of parts 2741.0010 to 2741.0080; and
- B. certificates issued under group Medicare supplement policies as provided in item A.

2741.0040 DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 2741.0010 to 2741.0080, the words defined in this part have the meaning given them.

Subp. 2. **Applicant.** "Applicant" means:

- A. in the case of an individual Medicare supplement policy or contract, the person who seeks to contract for insurance benefits; and
- B. in the case of a group Medicare supplement policy or contract, the proposed certificate holder.

Subp. 3. **Certificate.** "Certificate" means a certificate issued under a group Medicare supplement policy.

Subp. 4. **Medicare supplement policy.** "Medicare supplement policy" means a group or individual policy of accident and sickness insurance or any other contract that is advertised, marketed, or designed primarily to provide health care benefits as a supplement to reimbursements under Medicare for the hospital, medical, or surgical expenses of persons eligible for Medicare by reason of age.

2741.0050 BENEFIT CONVERSION REQUIREMENTS.

Subpart 1. **Application.** Effective January 1, 1990, no Medicare supplement insurance policy, contract, or certificate in force in Minnesota shall contain benefits that duplicate benefits provided by Medicare.

Subp. 2. General requirements.

A. No later than 30 days before the annual effective date of Medicare benefit changes, every insurer, health care service plan, or other entity providing Medicare supplement insurance or benefits to a resident of Minnesota shall notify its policyholders, contract holders, and certificate holders of modifications it has made to Medicare supplement insurance policies or contracts. The notice must be in a form prescribed in part 2741.0240.

(1) The notice shall include a description of revisions to the Medicare program and a description of each modification made to the coverage provided under the Medicare supplement insurance policy or contract.

(2) The notice shall inform each covered person as to when any premium adjustment due to changes in Medicare benefits will be made.

(3) The notice of benefit modifications and premium adjustments must be in outline form and in clear and simple terms so as to facilitate comprehension. The notice must not contain or be accompanied by a solicitation.

B. No modifications to an existing Medicare supplement contract or policy must be made at the time of or in connection with the notice requirements of parts 2741.0010 to 2741.0080 except to the extent necessary to eliminate duplication of Medicare benefits and any modifications necessary under the policy or contract to provide indexed benefit adjustment.

C. As soon as practicable, but no longer than 45 days after the effective date of the Medicare benefit changes, every insurer, health care service plan, or other entity providing Medicare supplement insurance or contracts in Minnesota shall file with the department, in accordance with the applicable filing procedures of Minnesota:

(1) Appropriate premium adjustment necessary to produce loss ratios as originally anticipated for the applicable policies or contracts. The supporting documents as necessary to justify the adjustment must accompany the filing.

(2) Appropriate riders or endorsements needed to accomplish the Medicare supplement insurance modifications necessary to eliminate benefit duplications with Medicare. Riders or endorsements must provide a clear description of the Medicare supplement benefits provided by the policy or contract.

D. Upon satisfying the filing and approval requirements of Minnesota, every insurer, health care service plan, or other entity providing Medicare supplement insurance in Minnesota shall provide each covered person with a rider or endorsement necessary to eliminate benefit duplications under the policy or contract with benefits provided by Medicare.

E. No insurer, health care service plan, or other entity shall require a person covered under a Medicare supplement policy or contract that was in force before January 1, 1990, to purchase additional coverage under the policy or contract unless additional coverage was provided for in the policy or contract.

F. Every insurer, health care service plan, or benefit, or other entity providing Medicare supplement insurance or benefits to a resident of Minnesota shall make premium adjustments as are necessary to produce an expected loss ratio under the policy or contract as will conform with minimum loss ratio standards for Medicare supplement policies and that is expected to result in a loss ratio at least as great as that originally anticipated by the insurer, health care service plan, or other entity for the Medicare supplement insurance policies or contracts. No premium adjustment that would modify the loss ratio experience under the policy other than the adjustments described in this part should be made with respect to a policy at any time other than upon its renewal date. Premium adjustments must be in the form of refunds or premium credits and must be made no later than upon renewal if a credit is given, or within 60 days of the renewal date if a refund is provided to the premium payer.

2741.0055 OFFER OF REINSTITUTION OF COVERAGE.

Subpart 1. **Application.** Except as provided in subpart 2, in the case of an individual who had in effect, as of December 31, 1988, a Medicare supplemental policy with an insurer (as a policyholder or, in the case of a group policy, as a certificate holder) and the individual terminated coverage under the policy before the date of the enactment of the repeal of the Medicare Catastrophic Coverage Act of 1988, the insurer shall:

A. provide written notice no earlier than December 15, 1989, and no later than January 30, 1990, to the policyholder or certificate holder, at the most recent available address, of the offer described in item B; and

B. offer the individual, during a period of at least 60 days beginning not later than February 1, 1990, reinstatement of coverage (with coverage effective as of January 1, 1990), that:

(1) does not provide for any waiting period with respect to treatment of preexisting conditions;

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

(2) provides for coverage that is substantially equivalent to coverage in effect before the date of termination; and

(3) provides for classification of premiums on which terms are at least as favorable to the policyholder or certificate holder as the premium classification terms that would have applied to the policyholder or certificate holder had the coverage never terminated.

Subp. 2. **Nonapplication.** An insurer is not required to make the offer under subpart 1, item B, in the case of an individual who is a policyholder or certificate holder in another Medicare supplemental policy as of January 1, 1990, if the individual is not subject to a waiting period with respect to treatment of a preexisting condition under the other policy.

2741.0060 REQUIREMENTS FOR NEW POLICIES AND CERTIFICATES.

Subpart 1. **Application.** Effective January 1, 1990, no Medicare supplement insurance policy, contract, or certificate shall be issued or issued for delivery in Minnesota that provides benefits that duplicate benefits provided by Medicare. No Minnesota policy, contract, or certificate shall provide fewer benefits than those required under the existing Medicare Supplement Minimum Standards Act or regulations except where duplication of Medicare benefits would result.

Subp. 2. General requirements.

A. Within 90 days of the effective date of parts 2741.0010 to 2741.0080, every insurer, health care service plan, or other entity required to file its policies or contracts with Minnesota shall file new Medicare supplement insurance policies or contracts that eliminate the duplication of Medicare supplement benefits with benefits provided by Medicare and that provides a clear description of the policy or contract benefit.

B. The filing required under item A must provide for loss ratios that comply with all minimum standards. Policies and certificates submitted to the department for the purpose of complying with *Minnesota Statutes*, sections 62A.31 to 62A.44, and *Laws of Minnesota 1990*, chapter 403, before the effective date of this part, are considered to have met the filing requirements of this part.

C. Every applicant for a Medicare supplement insurance policy, contract, or certificate shall be provided with an outline of coverage that simplifies and accurately describes benefits provided by Medicare and policy or contract benefits along with benefit limitations.

2741.0070 FILING REQUIREMENTS FOR ADVERTISING.

Every insurer, health care service plan, or other entity providing Medicare supplement insurance or benefits in Minnesota shall provide a copy of any advertisement intended for use in Minnesota whether through written, radio, or television medium to the commissioner of commerce for review by the commissioner. The advertisement must comply with all applicable laws of Minnesota.

2741.0080 BUYER'S GUIDE.

No insurer, health care service plan, or other entity shall make use of or otherwise disseminate a buyer's guide or informational brochure that does not accurately outline current Medicare benefits and that has not been approved by the commissioner.

MEDICARE SUPPLEMENT INSURANCE MINIMUM STANDARDS

2741.0100 APPLICABILITY AND SCOPE.

Except as otherwise specifically provided in parts 2741.0180 and 2741.0190, parts 2741.0100 to 2741.0240 apply to:

A. Medicare supplement policies and subscriber contracts delivered or issued for delivery in Minnesota on or after the effective date of those parts; and

B. certificates issued under group Medicare supplement policies or subscriber contracts that have been delivered or issued for delivery in Minnesota.

Parts 2741.0100 to 2741.0240 do not apply to a policy or contract of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations, or combination thereof, for employees or former employees, or a combination thereof, or for members or former members, or a combination thereof, of the labor organizations.

2741.0110 DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 2741.0100 to 2741.0240, the terms defined in this part have the meanings given them.

Subp. 2. **Applicant.** "Applicant" means:

A. in the case of an individual Medicare supplement policy or subscriber contract, the person who seeks to contract for insurance benefits; and

B. in the case of a group Medicare supplement policy or subscriber contract, the proposed certificate holder.

Subp. 3. **Certificate.** "Certificate" means a certificate issued under a group Medicare supplement policy that has been delivered or issued for delivery in Minnesota.

Subp. 4. **Medicare supplement policy.** "Medicare supplement policy" means a group or individual policy of accident and sickness

insurance or a subscriber contract of hospital and medical service associations or health maintenance organizations that is advertised, marketed, or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical, or surgical expenses of persons eligible for Medicare by reason of age.

2741.0120 POLICY DEFINITIONS AND TERMS.

Subpart 1. **Requirements.** No insurance policy or subscriber contract may be advertised, solicited, or issued for delivery in Minnesota as a Medicare supplement policy unless the policy or subscriber contract contains definitions or terms that conform to the requirements of this part.

Subp. 2. **Accident, accidental injury, or accidental means.** "Accident," "accidental injury," or "accidental means" must be defined to employ "result" language and must not include words that establish an accidental means test or use words such as "external," "violent," "visible wounds," or similar words of description or characterization.

A. The definition must not be more restrictive than the following: "Injury or injuries for which benefits are provided" means accidental bodily injury sustained by the insured person that is the direct result of an accident, independent of disease or bodily infirmity or any other cause, and occurs while insurance coverage is in force.

B. The definition may provide that injuries must not include injuries for which benefits are provided or available under any workers' compensation, employer's liability or similar law, or motor vehicle no-fault plan, unless prohibited by law.

Subp. 3. **Benefit period or Medicare benefit period.** "Benefit period" or "Medicare benefit period" must not be defined as more restrictive than as that defined in the Medicare program.

Subp. 4. **Convalescent nursing home, extended care facility, or skilled nursing facility.** "Convalescent nursing home," "extended care facility," or "skilled nursing facility" must be defined in relation to its status, facilities, and available services.

A. A definition of the home or facility must not be more restrictive than one requiring that it:

(1) be operated pursuant to law;

(2) be approved for payment of Medicare benefits or be qualified to receive approval, if so requested;

(3) be primarily engaged in providing, in addition to room and board accommodations, skilled nursing care under the supervision of a duly licensed physician;

(4) provide continuous 24-hour nursing service by or under the supervision of a registered graduate professional nurse (R.N.); and

(5) maintains a daily medical record of each patient.

B. The definition of the home or facility may provide that the term not include:

(1) a home, facility, or part of the home or facility used primarily for rest;

(2) a home or facility for the aged or for the care of drug addicts or alcoholics; or

(3) a home or facility primarily used for the care and treatment of mental diseases or disorders, or custodial or educational care.

Subp. 5. **Health care expenses.** "Health care expenses" means expenses of health maintenance organizations associated with the delivery of health care services that are analogous to incurred losses of insurers.

This term does not include:

A. home office and overhead costs;

B. advertising costs;

C. commissions and other acquisition costs;

D. taxes;

E. capital costs;

F. administrative costs; or

G. claims processing costs.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

Subp. 6. **Hospital.** "Hospital" may be defined in relation to its status, facilities, and available services or to reflect its accreditation by the Joint Commission on Accreditation of Hospitals.

A. The definition of the term "hospital" must not be more restrictive than one requiring that the hospital:

- (1) be an institution operated pursuant to law;
- (2) be primarily and continuously engaged in providing or operating, either on its premises or in facilities available to the hospital on a prearranged basis and under the supervision of a staff of duly licensed physicians, medical, diagnostic, and major surgical facilities for the medical care and treatment of sick or injured persons on an inpatient basis for which charge is made; and
- (3) provide 24-hour nursing service by or under the supervision of registered graduate professional nurses (R.N.).

B. The definition of the term "hospital" may state that the term does not include:

- (1) convalescent homes, or convalescent, rest, or nursing facilities;
- (2) facilities primarily affording custodial, educational, or rehabilitary care;
- (3) facilities for the aged, drug addicts, or alcoholics; or
- (4) any military or veterans hospital or soldiers home or any hospital contracted for or operated by any national government or agency thereof for the treatment of members or ex-members of the armed forces, except for services rendered where a liability exists for charges made to the individual for the services.

Subp. 7. **Medicare.** "Medicare" must be defined in the policy. Medicare may be substantially defined as "The Health Insurance for the Aged Act, title XVIII of the Social Security Amendments of 1965 as Then Constituted or Later Amended," or title I, part I of Public Law Number 89-97, as enacted by the Eighty-Ninth Congress of the United States of America, and popularly known as the Health Insurance for the Aged Act, as then constituted and any later amendments or substitutes of it," or words of similar import.

Subp. 8. **Medicare eligible expenses.** "Medicare eligible expenses" means health care expenses of the kinds covered by Medicare, to the extent recognized as reasonable by Medicare. Payment of benefits by insurers for Medicare eligible expenses may be conditioned upon the same or less restrictive payment conditions, including determinations of medical necessity as are applicable to Medicare claims.

Subp. 9. **Mental or nervous disorders.** "Mental or nervous disorders" must not be defined more restrictively than a definition including neurosis, psychoneurosis, psychopathy, psychosis, or mental or emotional disease or disorder of any kind.

Subp. 10. **Nurses.** "Nurses" may be defined so that the description of nurse is restricted to a type of nurse, such as registered graduate professional nurse (R.N.), a licensed practical nurse (L.P.N.), or a licensed vocational nurse (L.V.N.). If the words "nurse," "trained nurse," or "registered nurse" are used without specific instruction, then the use of those terms requires the insurer to recognize the services of an individual who qualified under the terminology in accordance with the applicable statutes or administrative rules of the licensing or registry board of Minnesota.

Subp. 11. **Physicians.** "Physician" may be defined by including words such as "duly qualified physician" or "duly licensed physician." The use of those terms requires an insurer to recognize and to accept, to the extent of its obligation under the contract, all providers of medical care and treatment when these services are within the scope of the provider's licensed authority and are provided pursuant to applicable laws.

Subp. 12. **Sickness.** "Sickness" must not be defined to be more restrictive than the following: "Sickness means sickness or disease of an insured person that first manifests itself after the effective date of insurance and while the insurance is in force." The definition may be further modified to exclude sicknesses or diseases for which benefits are provided under a workers' compensation, occupational disease, employer's liability, or similar law.

Subp. 13. **Usual and customary charge.** "Usual and customary charge," for the purpose of the state plan, means the normal charge, in absence of insurance, of the provider for a service or article, but not more than the prevailing charge in the area for a like service or article. A "like service" is of the same nature and duration, requires the same skill, and is performed by a provider of similar training and experience. A "like article" is one that is identical or substantially equivalent. "Area" means the municipality or, in the case of a large city, a subdivision of the city, in which the service or article is actually provided or a greater area as is necessary to obtain a representative cross-section of charges for a like service or article.

2741.0130 PROHIBITED POLICY PROVISIONS.

Subpart 1. **Coverage limitations or exclusions.** No insurance policy or subscriber contract may be advertised, solicited, or issued for delivery in Minnesota as a Medicare supplement policy if the policy or subscriber contract limits or excludes coverage by type of illness, accident, treatment, or medical condition, except as follows:

A. foot care in connection with corns, calluses, flat feet, fallen arches, weak feet, chronic foot strain, or symptomatic complaints of the feet;

B. illness, treatment, or medical condition arising out of:

- (1) war or act of war, whether declared or undeclared; participation in a felony;
- (2) suicide, while sane or insane, attempted suicide, or intentionally self-inflicted injury; or
- (3) aviation;

C. cosmetic surgery, except that cosmetic surgery does not include reconstructive surgery when the service is incidental to or follows surgery resulting from trauma, infection, or other diseases of the involved part;

D. care in connection with the detection and correction by manual or mechanical means of structural imbalance, distortion, or subluxation in the human body for purposes of removing nerve interference and its effect, where the interference is the result of or related to distortion, misalignment, or subluxation of or in the vertebral column;

E. benefits provided under Medicare or other governmental program, except Medicaid; any state or federal workers' compensation or employer's liability or occupational disease law; services rendered by employees of hospitals, laboratories, or other institutions; services performed by a member of the covered person's immediate family; and services for which no charge is normally made in the absence of insurance;

F. dental care or treatment;

G. eye glasses, hearing aids, and examination for the prescription or fitting of them;

H. rest cures, custodial care, transportation, and routine physical examinations.

Supplemental policies may not contain, when issued, limitations or exclusions of the type in item A, D, or H that are more restrictive than those of Medicare. Medicare supplement policies may exclude coverage for an expense to the extent of a benefit available to the insured under Medicare.

Subp. 2. **Waivers.** No Medicare supplement policy may use waivers to exclude, limit, or reduce coverage or benefits for specifically named or described preexisting diseases or physical conditions.

Subp. 3. **Use of terms.** The terms "Medicare supplement," "Medigap," and words of similar import must not be used unless the policy is issued in compliance with parts 2741.0100 to 2741.0240.

Subp. 4. **Duplicate policies.** No Medicare supplement insurance policy, contract, or certificate in force in Minnesota shall contain benefits that duplicate benefits provided by Medicare.

2741.0135 BENEFIT CONVERSION REQUIREMENTS.

A. Effective January 1, 1990, no Medicare supplement insurance policy, contract, or certificate in force in this state shall contain benefits which duplicate benefits provided by Medicare.

B. Benefits eliminated by operation of the Medicare Catastrophic Coverage Act of 1988 transition provisions shall be restored.

C. For Medicare supplement policies subject to the minimum standards adopted by the states pursuant to Medicare Catastrophic Coverage Act of 1988, the minimum benefits shall be:

(1) coverage of part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;

(2) coverage for either all or none of the Medicare Part A inpatient hospital deductible amount;

(3) coverage of part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital inpatient reserve days;

(4) upon exhaustion of all Medicare hospital inpatient coverage including the lifetime reserve days, coverage of 90 percent of all Medicare part A eligible expenses for hospitalization not covered by Medicare subject to a lifetime maximum benefit of an additional 365 days;

(5) coverage under Medicare part A for the reasonable cost of the first three pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced according to federal regulations or already paid for under part A;

(6) coverage for the coinsurance amount of Medicare eligible expenses under part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket amount equal to the Medicare part B deductible (\$75); and

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

(7) effective January 1, 1990, coverage under Medicare part B for the reasonable cost of the first three pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations), unless replaced according to federal regulations or already paid for under part A, subject to the Medicare deductible amount.

2741.0140 MINIMUM BENEFIT STANDARDS.

Subpart 1. **Generally.** No insurance policy, subscriber contract, or certificate may be advertised, solicited, or issued for delivery in Minnesota as a Medicare supplement policy that does not meet the following minimum standards. These are minimum standards and do not preclude the inclusion of other provisions or benefits that are not inconsistent with these standards.

Subp. 2. **General standards.** The following general standards apply to Medicare supplement policies and are in addition to all other requirements of parts 2741.0100 to 2741.0240.

A. A Medicare supplement policy may not deny a claim for losses incurred more than six months from the effective date of coverage for a preexisting condition. The policy may not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within 90 days before the effective date of coverage.

B. A Medicare supplement policy may not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents.

C. A Medicare supplement policy must provide that benefits designed to cover cost-sharing amounts under Medicare will be changed automatically to coincide with changes in the applicable Medicare deductible amount and copayment percentage factors. Premiums may be modified to correspond with these changes.

D. A "noncancelable," "guaranteed renewable," or "noncancelable and guaranteed renewable" Medicare supplement policy must not:

(1) provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium; or

(2) be canceled or nonrenewed by the insurer solely on the grounds of deterioration of health.

E. (1) Except as authorized by the commissioner, an insurer shall neither cancel nor nonrenew a Medicare supplement policy or certificate for any reason other than nonpayment of premium or material misrepresentation.

(2) If a group Medicare supplement insurance policy is terminated by the group policyholder and not replaced as provided in subitem (4), the insurer shall offer certificate holders an individual Medicare supplement policy. The insurer shall offer the certificate holder at least the following choices:

(a) an individual Medicare supplement policy that provides for continuation of the benefits contained in the group policy; and

(b) an individual Medicare supplement policy that provides only such benefits as are required to meet the minimum standards.

(3) If membership in a group is terminated, the insurer shall:

(a) offer the certificate holder such conversion opportunities as are described in subitem (2); or

(b) at the option of the group policyholder, offer the certificate holder continuation of coverage under the group policy.

(4) If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the succeeding insurer shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new group policy shall not result in any exclusion for preexisting conditions that should have been covered under the group policy being replaced.

F. Termination of a Medicare supplement policy must be without prejudice to a continuous loss that began while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be predicated upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits.

Subp. 3. **Minimum benefit standards.** Parts 2741.0150 and 2741.0160 contain the minimum benefit standards for extended basic and basic Medicare supplement plan coverage.

2741.0150 EXTENDED BASIC MEDICARE SUPPLEMENT PLAN; COVERAGE.

The extended basic Medicare supplement plan must have a level of coverage so that it will be certified as a qualified plan pursuant to *Minnesota Statutes*, chapter 62E and will provide:

A. coverage for all of the Medicare part A inpatient hospital deductible and coinsurance amounts, and 100 percent of all Medicare part A eligible expenses for hospitalization not covered by Medicare for the calendar year;

B. coverage for the daily copayment amount of Medicare part A eligible expenses for the calendar year incurred for skilled nursing facility care;

C. coverage for the 20 percent copayment amount of Medicare eligible expenses excluding outpatient prescription drugs under Medicare part B regardless of hospital confinement for Medicare part B and coverage of the Medicare deductible amount;

D. 80 percent of usual and customary hospital and medical expenses, supplies, and prescription drug expenses not covered by Medicare's eligible expenses;

E. coverage for the reasonable cost of the first three pints of blood, or equivalent quantities of packed red blood cells as defined under federal regulations under Medicare parts A and B, unless replaced in accordance with federal regulations; and

F. 100 percent of the cost of immunizations.

2741.0160 BASIC MEDICARE SUPPLEMENT PLAN; COVERAGE.

Subpart 1. **Generally.** The basic Medicare supplement plan must have a level of coverage that will provide:

A. coverage for all of the Medicare part A inpatient hospital coinsurance amounts, and 100 percent of all Medicare part A eligible expenses for hospitalization not covered by Medicare for the calendar year, after satisfying the Medicare part A deductible;

B. coverage for the daily copayment amount of Medicare part A eligible expenses for the calendar year incurred for skilled nursing facility care;

C. coverage for the 20 percent copayment amount of Medicare eligible expenses excluding outpatient prescription drugs under Medicare part B regardless of hospital confinement for Medicare part B after the Medicare deductible amount;

D. coverage for the reasonable cost of the first three pints of blood, or equivalent quantities of packed red blood cells as defined under federal regulations under Medicare parts A and B, unless replaced in accordance with federal regulations; and

E. 100 percent of the cost of immunizations.

Subp. 2. **Optional benefit riders.** Only the following optional benefit riders may be added to this plan:

A. coverage for all of the Medicare part A inpatient hospital deductible amount;

B. a minimum of 80 percent of usual and customary eligible medical expenses and supplies not covered by Medicare part B eligible expenses. This does not include outpatient prescription drugs;

C. coverage for all of the Medicare part B annual deductible; and

D. coverage for at least 50 percent, or the equivalent of 50 percent, of usual and customary prescription drug expenses.

Subp. 3. **Medicare eligible expenses.** "Medicare eligible expenses" means health care expenses of the kinds covered by Medicare, to the extent recognized as reasonable by Medicare. Payment of benefits by insurers for Medicare eligible expenses may be conditioned upon the same or less restrictive payment conditions, including determinations of medical necessity as are applicable to Medicare claims.

2741.0170 STANDARDS FOR CLAIMS PAYMENT.

A. Every entity providing Medicare supplement policies or contracts shall comply with Section 4081 of the Omnibus Budget Reconciliation Act of 1987, Public Law Number 100-203.

B. Compliance with the requirements in item A must be certified on the Medicare supplement insurance experience reporting form.

C. The requirements of this part are in addition to any other requirements of law.

2741.0180 LOSS RATIO STANDARDS.

A. Medicare supplement policies shall return to Minnesota policyholders in the form of aggregate benefits under the policy, for each year excluding the year of issuance and the first year thereafter, on the basis of incurred claims experience or incurred health care expenses where coverage is provided by a health maintenance organization on a service rather than reimbursement basis and earned premiums in Minnesota and in accordance with accepted actuarial principles and practices:

(1) at least 75 percent of the aggregate amount of premiums earned in the case of group policies; and

(2) at least 65 percent of the aggregate amount of premiums earned in the case of individual policies.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

All filings of rates and rating schedules must demonstrate that actual and expected losses in relation to premiums comply with this part.

B. Every entity providing Medicare supplement policies in Minnesota shall file annually its rates, rating schedule, and supporting documentation, including ratios of incurred losses to earned premiums by number of years of policy duration demonstrating that it is in compliance with the foregoing applicable loss ratio standards and that the period for which the policy is rated is reasonable in accordance with accepted actuarial principles and experience.

For the purposes of this part, policy forms comply with the loss ratio standards if:

(1) for the most recent year, the ratio of the incurred losses to earned premiums for policies or certificates that have been in force for two years or more is greater than or equal to the applicable percentages contained in this part; and

(2) the expected losses in relation to premiums over the entire period for which the policy is rated comply with the requirements of this part. An expected second-year loss ratio that is greater than or equal to the applicable percentage must be demonstrated for policies or certificates in force less than three years.

C. As soon as practicable, but before the effective date of Medicare benefit changes, every insurer, health care service plan, or other entity providing Medicare supplement insurance or contracts in Minnesota shall file with the commissioner in accordance with the applicable filing procedures of Minnesota:

(1) Appropriate premium adjustments necessary to produce loss ratios as originally anticipated for the applicable policies or contracts. The supporting documents as necessary to justify the adjustment must accompany the filing. Every insurer, health care service plan, or other entity providing Medicare supplement insurance or benefits to a resident of Minnesota pursuant to *Minnesota Statutes*, sections 62A.31 to 62A.44 shall make the premium adjustments necessary to produce an expected loss ratio under the policy or contract as will conform with minimum loss ratio standards for Medicare supplement policies and that are expected to result in a loss ratio at least as great as that originally anticipated in the rates used to produce current premiums by the insurer, health care service plan, or other entity for the Medicare supplement insurance policies or contracts. No premium adjustment that would modify the loss ratio experience under the policy other than the adjustments described in this part should be made with respect to a policy at any time other than upon its renewal date or anniversary date.

(2) Each insurer that has Medicare supplement policies in force in this state shall, as a supplement to the annual statement required by *Minnesota Statutes*, section 60A.13, submit, in a form prescribed by the commissioner, data showing its incurred claims experience, its earned premiums, and the aggregate amount of premiums collected and losses incurred for each Medicare policy form in force. If the data submitted does not confirm that the insurer has satisfied the loss ratio requirements of this part, the commissioner shall notify the insurer in writing of the deficiency. The insurer shall have 30 days from the date of the commissioner's notice to file amended rates that comply with this part. If the insurer fails to file amended rates within the prescribed time, the commissioner shall order that the insurer's filed rates for the nonconforming policy be reduced to an amount that would have resulted in a loss ratio that complied with this part had it been in effect for the reporting period of the supplement. The insurer's failure to file amended rates within the specified time or the issuance of the commissioner's order amending the rates does not preclude the insurer from filing an amendment of its rates at a later time. The commissioner shall annually make the submitted data available to the public at a cost not to exceed the cost of copying. The data must be compiled in a form useful for consumers who wish to compare premium charges and loss ratios.

(3) Any appropriate riders, endorsements, or policy forms needed to accomplish the Medicare supplement insurance modifications necessary to eliminate benefit duplications with Medicare. These riders, endorsements, or policy forms must provide a clear description of the Medicare supplement benefits provided by the policy or contract.

2741.0190 FILING REQUIREMENTS FOR OUT-OF-STATE GROUP POLICIES.

An insurer providing group Medicare supplement insurance benefits to a resident of Minnesota under *Minnesota Statutes*, sections 62A.31 to 62A.44 shall file a copy of the master policy and any certificate used in Minnesota in accordance with the filing requirements and procedures applicable to group Medicare supplement policies issued in Minnesota.

2741.0200 PERMITTED COMPENSATION ARRANGEMENTS.

A. The commission, sales allowance, service fee, or compensation to an agent for the sale of a Medicare supplement plan must be the same for each of the first four years of the policy.

B. The commissioner may grant a waiver of this restriction on commissions when the commissioner believes that the insurer's fee structure does not encourage deceptive practices, if the first year commission or other first year compensation is no more than 200 percent of the commission or other compensation paid for selling or servicing the policy or certificate in the second year and following years and this resulting commission produces the minimum loss ratios of *Minnesota Statutes*, section 62A.36.

C. No entity shall provide compensation to its agents or other producers and no agent or producer shall receive compensation greater than the renewal compensation payable by the replacing insurer on renewal policies or certificates if an existing policy or

certificate is replaced unless benefits of the new policy or certificate are clearly and substantially greater than the benefits under the replaced policy.

D. For purposes of this part, "compensation" includes pecuniary or nonpecuniary remuneration of any kind relating to the sale or renewal of the policy or certificate including, but not limited to, bonuses, gifts, prizes, awards, and finders fees.

E. In no event may the rate of commission, sales allowance, service fee, or compensation for the sale of a basic Medicare supplement plan exceed that which applies to the sale of an extended basic Medicare supplement plan.

2741.0210 REQUIRED DISCLOSURE PROVISIONS.

Subpart 1. **General rules.** Medicare supplement policies must contain the following disclosure provisions:

A. Medicare supplement policies must include a renewal or continuation provision. The language or specifications of such provision must be consistent with the type of contract issued. The provision must be captioned and shall appear on the first page of the policy.

B. Except for riders or endorsements by which the insurer effectuates a request made in writing by the insured, exercises a specifically reserved right under a Medicare supplement policy, or is required to reduce or eliminate benefits to avoid duplication of Medicare benefits, all riders or endorsements added to a Medicare supplement policy after date of issue or at reinstatement or renewal that reduce or eliminate benefits or coverage in the policy shall require a signed acceptance by the insured. After the date of policy issue, any rider or endorsement that increases benefits or coverage with a concomitant increase in premium during the policy term must be agreed to in writing signed by the insured, unless the benefits are required by the minimum standards for Medicare supplement insurance policies, or if the increased benefits or coverage is required by law. Where a separate additional premium is charged for benefits provided in connection with riders or endorsements, the premium charge shall be set forth in the policy.

C. A Medicare supplement policy that provides for the payment of benefits based on standards described as "usual and customary," "reasonable and customary," or words of similar import shall include a definition of such terms and an explanation of such terms in its accompanying outline of coverage.

D. If a Medicare supplement policy contains any limitations with respect to preexisting conditions, such limitations must appear as a separate paragraph of the policy and be labeled as "Preexisting Condition Limitations."

E. Medicare supplement policies or certificates shall have a notice prominently printed on the first page of the policy or certificate or attached thereto stating in substance that the policyholder or certificate holder shall have the right to return the policy or certificate within 30 days of its delivery and to have the premium refunded if, after examination of the policy or certificate, the insured person is not satisfied for any reason.

F. Insurers issuing accident and sickness policies, certificates or subscriber contracts that provide hospital or medical expense coverage on an expense incurred or indemnity basis, other than incidentally, to a person eligible for Medicare by reason of age shall provide to all applicants a Medicare Supplement Buyer's Guide in the form developed jointly by the National Association of Insurance Commissioners and the Health Care Financing Administration. Delivery of the buyer's guide shall be made whether or not the policies, certificates, or subscriber contracts are advertised, solicited, or issued as Medicare supplement policies. Except in the case of direct response insurers, delivery of the buyer's guide shall be made to the applicant at the time of application and acknowledgment of receipt of the buyer's guide shall be obtained by the insurer. Direct response insurers shall deliver the buyer's guide to the applicant upon request but not later than at the time the policy is delivered.

Subp. 2. **Notice requirements.** Medicare supplement policies must include the following notice requirements:

A. As soon as practicable, but no later than 30 days before the annual effective date of any Medicare benefit changes, every insurer, health care service plan, or other entity providing Medicare supplement insurance or benefits to a resident of Minnesota shall notify its policyholders, contract holders, and certificate holders of modifications it has made to Medicare supplement insurance policies or contracts in a format acceptable to the commissioner or in the format set forth in this subpart. In addition, the notice shall:

(1) include a description of revisions to the Medicare program and a description of each modification made to the coverage provided under the Medicare supplement insurance policy or contract; and

(2) inform each covered person as to when any premium adjustment is to be made due to changes in Medicare.

B. The notice of benefit modifications and any premium adjustments shall be in outline form and in clear and simple terms so as to facilitate comprehension.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

C. Notices shall not contain or be accompanied by any solicitation.

Subp. 3. **Outline of coverage requirements for Medicare supplement policies.** Insurers issuing Medicare supplement policies or certificates for delivery in Minnesota shall provide an outline of coverage to all applicants at the time application is made and, except for direct response policies, shall obtain an acknowledgment of receipt of the outline from the applicant.

If an outline of coverage is provided at the time of application and the Medicare supplement policy or certificate is issued on a basis that would require revision of the outline, a substitute outline of coverage properly describing the policy or certificate must accompany the policy or certificate when it is delivered and contain the following statement, in no less than 12-point type, immediately above the company name: "NOTICE: Read this outline of coverage carefully. It is not identical to the outline of coverage provided upon application and the coverage originally applied for has not been issued."

The outline of coverage provided to applicants under the previous two paragraphs shall be in the form prescribed below:

**[COMPANY NAME]
OUTLINE OF MEDICARE SUPPLEMENT COVERAGE
AND PREMIUM INFORMATION**

Use this outline to compare benefits and premiums among policies.

1. Read your policy carefully. This outline of coverage provides a very brief description of the important features of your policy. This is not the insurance contract and only the actual policy provisions will control. The policy itself sets forth in detail the rights and obligations of both you and your insurance company. It is, therefore, important that you **READ YOUR POLICY CAREFULLY!**

2. Medicare Supplement Coverage. Policies of this category are designed to supplement Medicare by covering some hospital, medical, and surgical services that are partially covered by Medicare. Coverage is provided for hospital inpatient charges and some physician charges, subject to any deductibles and copayment provisions that may be in addition to those provided by Medicare, and subject to other limitations that may be set forth in the policy. The policy does not provide benefits for custodial care such as help in walking, getting in and out of bed, eating, dressing, bathing, and taking medicine [delete if such coverage is provided.]

3. A. [for agents]:

Neither [company's name] nor its agents are connected with Medicare.

B. [for direct response]:

[Company's name] is not connected with Medicare.

4. [A brief summary of the major medical benefit gaps in Medicare parts A and B with a parallel description of supplemental benefits, including dollar amounts (and indexed copayments or deductibles, as appropriate), provided by the Medicare supplement coverage in the following order]:

DESCRIPTION	THIS POLICY PAYS	YOU PAY
I. Minimum Standards		
SERVICE		
PART A		
INPATIENT HOSPITAL SERVICES:		
Semi-Private Room and Board		
Miscellaneous Hospital Services and Supplies, such as Drugs, X-rays, Laboratory Tests, and Operating Room		
BLOOD		
PART B		
MEDICAL EXPENSE:		
Services of a Physician; Outpatient Services		
BLOOD		
MISCELLANEOUS		

II. Additional Benefits

PART A

DESCRIPTION

THIS POLICY PAYS**

YOU PAY

- Part A Deductible
- Private Rooms
- In-Hospital Private Nurses
- Skilled Nursing Facility Care

PARTS A & B

- Home Health Services

PART B

- Part B Deductible
- Medical Supplies Other Than Prescribed Drugs
- Medical Charges in Excess of Medicare Allowable Expenses (Percentage Paid)

OUT-OF-POCKET MAXIMUM

PRESCRIPTION DRUGS

MISCELLANEOUS

- Respite Care Benefits
- Expenses Incurred in Foreign Country

Other:

TOTAL PREMIUM

\$.....

IN ADDITION TO THIS OUTLINE OF COVERAGE, [INSURANCE COMPANY NAME] WILL SEND AN ANNUAL NOTICE TO YOU 30 DAYS PRIOR TO THE EFFECTIVE DATE OF MEDICARE CHANGES THAT WILL DESCRIBE THESE CHANGES AND THE CHANGES IN YOUR MEDICARE SUPPLEMENT COVERAGE.

**If this policy does not provide coverage for a benefit listed above, the insurer must state "no coverage" beside that benefit in the first column.

The order of benefits in this outline of coverage should be adjusted by those states which have adopted additional minimum standards.

5. The following chart shall accompany the outline of coverage:

[COMPANY NAME]
**NOTICE OF CHANGES IN MEDICARE AND YOUR
 MEDICARE SUPPLEMENT COVERAGE - 1990**

THE FOLLOWING CHART BRIEFLY DESCRIBES THE MODIFICATIONS IN MEDICARE AND IN YOUR MEDICARE SUPPLEMENT COVERAGE. PLEASE READ THIS CAREFULLY!

[A BRIEF DESCRIPTION OF THE REVISIONS TO MEDICARE PARTS A & B WITH A PARALLEL DESCRIPTION OF SUPPLEMENTAL BENEFITS WITH SUBSEQUENT CHANGES, INCLUDING DOLLAR AMOUNTS, PROVIDED BY THE MEDICARE SUPPLEMENT COVERAGE IN SUBSTANTIALLY THE FOLLOWING FORMAT.]

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

SERVICES

MEDICARE BENEFITS

YOUR MEDICARE SUPPLEMENT COVERAGE

	In 1989 Medicare Pays Per Calendar Year	Effective 1/1/90, Medicare Will Pay	In 1989 Your Coverage Pays	Effective 1/1/90, Your Coverage Will Pay
MEDICARE				
PART A				
SERVICES AND SUPPLIES				
Inpatient Hospital Services	Unlimited number of hospital days after \$560 deductible	All but \$592 for first 60 days/benefit period		
Semi-Private Room/Board		All but \$148 a day for 61st-90th days/benefit period		
Misc. Hospital Services and Supplies, such as Drugs, X-rays, Lab Tests, and Operating Room		All but \$296 a day for 91st-150th days (if individual chooses to use 60 nonrenewable lifetime reserve days)		
BLOOD				
	Pays all costs except payment of deductible (equal to costs for first 3 pints) each calendar year. Part A blood deductible reduced to the extent paid under Part B	Pays all costs except nonreplacement fees (blood deductible) for first 3 pints in each benefit period		
SKILLED NURSING FACILITY CARE				
	There is no prior confinement requirement for this benefit	100% of costs for first 20 days (after a 3-day prior hospital confinement)/benefit period		
	First 8 days - All but \$25.50 a day	All but \$74 a day for 21st-100th days/benefit period		
	9th through 150th day - 100% of costs	Beyond 100 days - Nothing/benefit period		
	Beyond 150 days - Nothing			

SERVICES	MEDICARE BENEFITS		YOUR MEDICARE SUPPLEMENT COVERAGE	
	In 1989 Medicare Pays Per Calendar Year	Effective 1/1/90, Medicare Will Pay	In 1989 Your Coverage Pays	Effective 1/1/90, Your Coverage Will Pay
MEDICARE PART B SERVICES AND SUPPLIES	80% of allowable charges (after \$75 deductible)	80% of allowable charges (after \$75 deductible/calendar year)		
PRESCRIPTION DRUGS	Inpatient description drugs. 80% of allowable charges for immunosuppressive drugs during the first year following a covered transplant (after \$75 deductible/calendar year)	Inpatient prescription drugs. 80% of allowable charges for immunosuppressive drugs during the first year following a covered transplant (after \$75 deductible/calendar year)		
BLOOD	80% of all costs except nonreplacement fees (blood deductible) for first 3 pints in each benefit period (after \$75 deductible/calendar year)	80% of costs except nonreplacement fees (blood deductible) for first 3 pints (after \$75 deductible/calendar year)		

[Any other policy benefits not mentioned in this chart should be added to the chart in the order prescribed by the outline of coverage. If there are corresponding Medicare benefits, they should be shown.]

[Describe any coverage provisions changing due to Medicare modifications.]

[Include information about when premium adjustments that may be necessary due to changes in Medicare benefits will be effective.]

THIS CHART SUMMARIZING THE CHANGES IN YOUR MEDICARE BENEFITS AND IN YOUR MEDICARE SUPPLEMENT PROVIDED BY [COMPANY] ONLY BRIEFLY DESCRIBES SUCH BENEFITS. FOR INFORMATION ON YOUR MEDICARE BENEFITS, CONTACT YOUR SOCIAL SECURITY OFFICE OR THE HEALTH CARE FINANCING ADMINISTRATION. FOR INFORMATION ON YOUR MEDICARE SUPPLEMENT [POLICY] CONTACT:

[COMPANY OR FOR AN INDIVIDUAL POLICY - NAME OF AGENT]

[ADDRESS/PHONE NUMBER]

6. Statement that the policy does or does not cover the following:

- (a) private duty nursing;
- (b) skilled nursing home care costs (beyond what is covered by Medicare);

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

- (c) custodial nursing home care costs;
- (d) intermediate nursing home care costs;
- (e) home health care above number of visits covered by Medicare;
- (f) physician charges (above Medicare's reasonable charges);
- (g) drugs (other than prescription drugs furnished during a hospital or skilled nursing facility stay);
- (h) care received outside the United States; and
- (i) dental care or dentures, checkups, routine immunizations, cosmetic surgery, routine foot care, examinations for the cost of eyeglasses, or hearing aids.

7. A description of any policy provisions that exclude, eliminate, resist, reduce, limit, delay, or in any other manner operate to qualify payments of the benefits described in number 4, including conspicuous statements;

(a) that the chart summarizing Medicare benefits only briefly describes such benefits; and

(b) that the Health Care Financing Administration or its Medicare publications should be consulted for further details and limitations.

8. A description of policy provisions respecting renewability or continuation of coverage, including any reservation or rights to change premium.

9. The amount of premium for this policy.

10. A statement of the exceptions, reductions, and limitations contained in the policy including the following language, as applicable, in bold print: "THIS POLICY DOES NOT COVER ALL MEDICAL EXPENSES BEYOND THOSE COVERED BY MEDICARE. THIS POLICY DOES NOT COVER ALL SKILLED NURSING HOME CARE EXPENSES AND DOES NOT COVER CUSTODIAL OR RESIDENTIAL NURSING CARE. READ YOUR POLICY CAREFULLY TO DETERMINE WHICH NURSING HOME FACILITIES AND EXPENSES ARE COVERED BY YOUR POLICY."

11. A statement of the policy's loss ratio as follows: "This policy provides an anticipated loss ratio of . . . percent. This means that, on the average, policyholders may expect that \$ of every \$100 in premium will be returned as benefits to policyholders over the life of the contract."

D. Notice regarding policies or subscriber contracts that are not Medicare supplement policies.

An accident and sickness insurance policy or subscriber contract, other than a Medicare supplement policy; or a policy issued pursuant to a contract under section . . . of the Federal Social Security Act, United States Code, title 42, sections 1395 et. seq.; disability income policy; basic, catastrophic, or major medical expense policy; single premium nonrenewable policy, or other policy issued for delivery in Minnesota to persons eligible for Medicare by reason of age shall notify insureds under the policy or subscriber contract that the policy or subscriber contract is not a Medicare supplement policy. The notice must either be printed or attached to the first page of the outline of coverage delivered to insureds under the policy or subscriber contract, or if no outline of coverage is delivered, to the first page of the policy, certificate, or subscriber contract delivered to insureds. The notice must be in no less than 12-point type and must contain the following language:

"THIS [POLICY, CERTIFICATE, OR SUBSCRIBER CONTRACT] IS NOT A MEDICARE SUPPLEMENT [POLICY OR CONTRACT]. If you are eligible for Medicare, review the Medicare Supplement Buyer's Guide available from the company."

2741.0220 REQUIREMENTS FOR APPLICATION FORMS AND REPLACEMENT COVERAGE.

Subpart 1. **Application forms.** Application forms must include the following questions designed to elicit information as to whether, as of the date of the application, the applicant has another Medicare supplement insurance policy or certificate in force or whether a Medicare supplement policy or certificate is intended to replace any other accident and sickness policy or certificate presently in force. A supplementary application or other form to be signed by the applicant and agent, except where the coverage is sold without an agent containing such questions may be used.

A. Do you have another Medicare supplement insurance policy or certificate in force (including health care service contract, health maintenance organization contract)?

B. Did you have another Medicare supplement policy or certificate in force during the last 12 months?

(1) If so, with which company?

(2) If that policy lapsed, when did it lapse?

C. Are you covered by Medicaid?

D. Do you intend to replace any of your medical or health insurance coverage with this policy or certificate?

Agents shall list any other health insurance policies they have sold to the applicant, list policies sold which are still in force, and list policies sold in the past five years which are no longer in force.

Subp. 2. **Replacement coverage notice.** Upon determining that a sale will involve replacement, an insurer, other than a direct response insurer, or its agent, shall furnish the applicant, before issuance or delivery of the Medicare supplement policy or certificate, a notice regarding replacement of accident and sickness coverage. One copy of the notice signed by the applicant and the agent, except where the coverage is sold without an agent shall be provided to the applicant and an additional copy signed by the applicant shall be retained by the insurer. A direct response insurer shall deliver to the applicant at the time of the issuance of the policy the notice regarding replacement of accident and sickness coverage.

Subp. 3. **Form of notice.** The notice required by subpart 2 for an insurer, other than a direct response insurer, must be provided in substantially the following form:

**NOTICE TO APPLICANT REGARDING REPLACEMENT
OF MEDICARE SUPPLEMENT INSURANCE
(Insurance company's name and address)
SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE.**

According to [your application] [information you have furnished], you intend to lapse or otherwise terminate existing Medicare supplement insurance and replace it with a policy to be issued by [Company Name] Insurance Company. Your new policy provides 30 days within which you may decide without cost whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors that may affect the insurance protection available to you under the new policy.

You should review this new coverage carefully, comparing it with all accident and sickness coverage you now have, and terminate your present policy only if, after due consideration, you find that purchase of this Medicare supplement coverage is a wise decision.

STATEMENT TO APPLICANT BY AGENT [BROKER OR OTHER REPRESENTATIVE]: (Use additional sheets, as necessary.)

I have reviewed your current medical or health insurance coverage. I believe the replacement of insurance involved in this transaction materially improves your position. My conclusion has taken into account the following considerations, which I call to your attention:

(1) Health conditions that you may presently have (preexisting conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy. (This subitem may be modified if preexisting conditions are covered under the new policy.)

(2) State law provides that your replacement policy or certificate may not contain new preexisting conditions, waiting periods, elimination periods, or probationary periods. The insurer will waive any time periods applicable to preexisting conditions, waiting periods, elimination periods, or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.

(3) If you are replacing existing Medicare supplement insurance coverage, you may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

(4) If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical/health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, reread it carefully to be certain that all information has been properly recorded.

.....
Signature of Agent, Broker or Other Representative

.....
(Typed Name and Address of Agent or Broker)

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

The above "Notice to Applicant" was delivered to me:

.....
(Date)

.....
(Applicant's Signature)

Subp. 4. **Direct response notice.** The notice required by subpart 2 for a direct response insurer shall be as follows:

**NOTICE TO APPLICANT REGARDING REPLACEMENT
OF MEDICARE SUPPLEMENT INSURANCE
(Insurance company's name and address)
SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE.**

According to [your application] [information you have furnished], you intend to lapse or otherwise terminate existing Medicare supplement insurance and replace it with the policy delivered herewith issued by [Company Name] Insurance Company. Your new policy provides 30 days within which you may decide without cost whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors that may affect the insurance protection available to you under the new policy.

You should review this new coverage carefully, comparing it with all accident and sickness coverage you now have, and terminate your present policy only if, after due consideration, you find that purchase of this Medicare supplement coverage is a wise decision.

(1) Health conditions that you may presently have (preexisting conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy.

(2) State law provides that your replacement policy or certificate may not contain new preexisting conditions, waiting periods, elimination periods, or probationary periods. Your insurer will waive any time periods applicable to preexisting conditions, waiting periods, elimination periods, or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.

(3) If you are replacing existing Medicare supplement insurance coverage, you may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

(4) [To be included only if the application is attached to the policy.] If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, read the copy of the application attached to your new policy and be sure that all questions are answered fully and correctly. Omissions or misstatements in the application could cause an otherwise valid claim to be denied. Carefully check the application and write to [Company Name and Address] within 30 days if any information is not correct and complete, or if any past medical history has been left out of the application.

.....
(Company Name)

2741.0230 FILING REQUIREMENTS FOR ADVERTISING.

An insurer, health care service plan, or other entity providing Medicare supplement insurance or benefits in Minnesota shall provide a copy of any Medicare supplement advertisement intended for use in Minnesota whether through written, radio, or television medium to the commissioner of the Department of Commerce for review by the commissioner to the extent it may be required under Minnesota law.

2741.0235 STANDARDS FOR MARKETING.

A. Every insurer, health care service plan, or other entity marketing Medicare supplement insurance coverage in this state, directly or through its producers, shall:

(1) establish marketing procedures to assure that any comparison of policies by its agents or other producers will be fair and accurate;

(2) establish marketing procedures to assure excessive insurance is not sold or issued;

(3) display prominently by type, stamp, or other appropriate means, on the first page of the outline of coverage and policy the following:

“Notice to buyer: This policy may not cover all of the costs associated with medical care incurred by the buyer during the period of coverage. The buyer is advised to review carefully all policy limitations.”

(4) inquire and otherwise make every reasonable effort to identify whether a prospective applicant or enrollee for Medicare supplement insurance already has accident and sickness insurance and the types and amounts of any such insurance; and

(5) every insurer or entity marketing Medicare supplement insurance shall establish auditable procedures for verifying compliance with this subpart.

B. In addition to the practices prohibited in *Minnesota Statutes*, chapter 72A, the following acts and practices are prohibited:

(1) knowingly making any misleading representation or incomplete or fraudulent comparison of any insurance policies or insurers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on, or convert any insurance policy or to take out a policy of insurance with another insurer;

(2) employing any method of marketing having the effect of or tending to induce the purchase of insurance through force, fright, threat whether explicit or implied, or undue pressure to purchase or recommend the purchase of insurance; or

(3) making use directly or indirectly of any method of marketing that fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance agent or insurance company.

2741.0236 APPROPRIATENESS OF RECOMMENDED PURCHASE AND EXCESSIVE INSURANCE.

In recommending the purchase or replacement of any Medicare supplement policy or certificate, an agent shall make reasonable efforts to determine the appropriateness of a recommended purchase or replacement.

Any sale of Medicare supplement coverage that provides an individual more than one Medicare supplement policy or certificate is prohibited.

2741.0237 REPORTING OF MULTIPLE POLICIES.

On or before March 1, every insurer or other entity providing Medicare supplement insurance coverage in this state shall report the following information for every individual resident of this state for which the insurer or entity has in force more than one Medicare supplement insurance policy or certificate:

- A. policy and certificate number; and
- B. date of issuance.

Items A and B must be grouped by individual policyholder.

2741.0238 PROHIBITION AGAINST PREEXISTING CONDITIONS, WAITING PERIODS, ELIMINATION PERIODS, AND PROBATIONARY PERIODS IN REPLACEMENT POLICIES OR CERTIFICATES.

If a Medicare supplement policy or certificate replaces another Medicare supplement policy or certificate, the replacing insurer shall waive any time periods applicable to preexisting conditions, waiting periods, elimination periods, and probationary periods in the new Medicare supplement policy for periods and probationary periods in the new Medicare supplement policy for similar benefits to the extent such time was spent under the original policy.

2741.0240 FORMAT FOR NOTICES OF CHANGE IN BENEFITS.

[COMPANY NAME]
**NOTICE OF CHANGES IN MEDICARE AND YOUR
MEDICARE SUPPLEMENT COVERAGE - 1990**

THE FOLLOWING CHART BRIEFLY DESCRIBES THE MODIFICATIONS IN MEDICARE AND IN YOUR MEDICARE SUPPLEMENT COVERAGE. PLEASE READ THIS CAREFULLY!

[A BRIEF DESCRIPTION OF THE REVISIONS TO MEDICARE PARTS A & B WITH A PARALLEL DESCRIPTION OF SUPPLEMENTAL BENEFITS WITH SUBSEQUENT CHANGES, INCLUDING DOLLAR AMOUNTS, PROVIDED BY THE MEDICARE SUPPLEMENT COVERAGE IN SUBSTANTIALLY THE FOLLOWING FORMAT.]

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

SERVICES	MEDICARE BENEFITS		YOUR MEDICARE SUPPLEMENT COVERAGE	
	In 1989 Medicare Pays Per Calendar Year	Effective 1/1/90, Medicare Will Pay	In 1989 Your Coverage Pays	Effective 1/1/90, Your Coverage Will Pay
MEDICARE				
PART A				
SERVICES AND SUPPLIES				
Inpatient Hospital Services	Unlimited number of hospital days after \$560 deductible	All but \$592 for first 60 days/benefit period		
Semi-Private Room/Board		All but \$148 a day for 61st-90th days/benefit period		
Misc. Hospital Services and Supplies, such as Drugs, X-rays, Lab Tests, and Operating Room		All but \$296 a day for 91st-150th days (if individual chooses to use 60 nonrenewable lifetime reserve days)		
BLOOD				
	Pays all costs except payment of deductible (equal to costs for first 3 pints) each calendar year. Part A blood deductible reduced to the extent paid under Part B	Pays all costs except nonreplacement fees (blood deductible) for first 3 pints in each benefit period		
SKILLED NURSING FACILITY CARE				
	There is no prior confinement requirement for this benefit	100% of costs for first 20 days (after a 3-day prior hospital confinement)/benefit period		
	First 8 days - All but \$25.50 a day	All but \$74 a day for 21st-100th days/benefit period		
	9th through 150th day - 100% of costs	Beyond 100 days - Nothing/benefit period		
	Beyond 150 days - Nothing			

SERVICES

MEDICARE BENEFITS

**YOUR MEDICARE
SUPPLEMENT COVERAGE**

In 1989 Medicare
Pays Per Calendar
Year

Effective 1/1/90,
Medicare Will Pay

In 1989 Your
Coverage Pays

Effective 1/1/90,
Your Coverage
Will Pay

MEDICARE

PART B

**SERVICES AND
SUPPLIES**

80% of allowable
charges (after \$75
deductible)

80% of allowable
charges (after \$75
deductible/calendar
year)

**PRESCRIPTION
DRUGS**

Inpatient description
drugs. 80% of
allowable charges for
immunosuppressive
drugs during the first
year following a
covered transplant
(after \$75 deductible/
calendar year)

Inpatient prescription
drugs. 80% of
allowable charges for
immunosuppressive
drugs during the first
year following a
covered transplant
(after \$75 deductible/
calendar year)

BLOOD

80% of all costs except
nonreplacement fees
(blood deductible) for
first 3 pints in each
benefit period (after
\$75 deductible/
calendar year)

80% of costs except
nonreplacement fees
(blood deductible) for
first 3 pints (after \$75
deductible/calendar
year)

[Any other policy benefits not mentioned in this chart should be added to the chart in the order prescribed by the outline of coverage. If there are corresponding Medicare benefits, they should be shown.]

[Describe any coverage provisions changing due to Medicare modifications.]

[Include information about when premium adjustments that may be necessary due to changes in Medicare benefits will be effective.]

THIS CHART SUMMARIZING THE CHANGES IN YOUR MEDICARE BENEFITS AND IN YOUR MEDICARE SUPPLEMENT PROVIDED BY [COMPANY] ONLY BRIEFLY DESCRIBES SUCH BENEFITS. FOR INFORMATION ON YOUR MEDICARE BENEFITS, CONTACT YOUR SOCIAL SECURITY OFFICE OR THE HEALTH CARE FINANCING ADMINISTRATION. FOR INFORMATION ON YOUR MEDICARE SUPPLEMENT [POLICY] CONTACT:

[COMPANY OR FOR AN INDIVIDUAL POLICY - NAME OF AGENT]

[ADDRESS/PHONE NUMBER]

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

Board of Dentistry

Proposed Permanent Rules Relating to License Fees

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Dentistry (hereinafter "Board") intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administration Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* 14.22 to 14.28 (1990). The statutory authority to adopt the rules is *Minnesota Statutes* 150A.04, subd. 5; 150A.06, subds. 1, 2, 2a and 4; 150A.08, subds. 1(6) and 3; 150A.10, subd. 1, 150A.11, subd. 2 and 214.06 (1990).

All persons have until August 8, 1991, in which to submit comment in support of or in opposition to the proposed rules or any subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the comment period which will close on August 8, 1991. If 25 or more persons submit a written request for a public hearing within the comment period, ending August 8, 1991, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes* 14.131 to 14.20 (1990).

Comments or written requests for a public hearing must be submitted to:

Douglas R. Sell, Executive Director
Minnesota Board of Dentistry
2700 University Avenue West, Suite 70
St. Paul, Minnesota 55114
Telephone: (612) 642-0579

The proposed rules may be modified if the modifications are supported by data and views submitted to the Board and do not result in a substantial change in the proposed rules as noticed.

The rules proposed for adoption increase existing fees. A free copy of the rules is available upon request from Douglas R. Sell.

A **Statement of Need and Reasonableness** has been prepared and is available from Douglas R. Sell upon request. The Statement describes the need for and reasonableness of each provision of the proposed rules, identifies the data and information relied upon to support the proposed rules, and addresses the Board's position regarding the applicability of the small business rulemaking provisions and the impact of the proposed amendments on small businesses.

Minnesota Statutes 14.115 specifies certain actions which an agency must take if an agency engages in rulemaking which may affect small businesses. It is the Board's position that the Board's rules are not subject to section 14.115 pursuant to subdivision 7(b) or (c). Nevertheless, should the rule amendments covered by the Statement of Need and Reasonableness be considered subject to section 14.115 and that they will impact on small businesses, the Board makes the following description of the probable quantitative and qualitative small business impact of the proposed rules. The impact will be negligible. *Minnesota Rules* part 3100.2000 amendments increases fees but only be a small amount. The increase and new fees are mandated by statute (*Minnesota Statutes* 16A.128, subd. 1a (1990)) to assure that the Board's income will match its appropriations and general support costs. The impact on any regulated individual will be minimal.

Pursuant to *Minnesota Statutes* 16A.128, subd. 2a (1990), a copy of this notice and the proposed rules were sent to the chairs of the House Appropriations Committee and Senate Finance Committee prior to their submission to the *State Register*.

If no hearing is required, upon adoption of the rules by the Board, the rules, and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the adopted rules must submit the written request to Douglas R. Sell.

Dated: 18 June 1991

Douglas R. Sell
Executive Director

Rules as Proposed

3100.2000 FEES.

Subpart 1. **Application fees.** Each applicant for licensure as a dentist or dental hygienist or for registration as a registered dental assistant shall submit with a license or registration application a fee in the following amounts:

- A. dentist application, ~~\$100~~ \$125;
- B. dental hygienist application, ~~\$45~~ \$55; and
- C. dental assistant application, ~~\$25~~ \$30.

Subp. 2. **Annual license or registration fees.** Each dentist, dental hygienist, and registered dental assistant shall submit with an annual license or registration renewal application a fee as established by the board not to exceed the following amounts:

- A. dentist, ~~\$80~~ \$110;
- B. dental hygienist, ~~\$30~~ \$40; and
- C. registered dental assistant, ~~\$20~~ \$26.

Subp. 3. **Licensure by credentials.** Each applicant for licensure as a dentist or dental hygienist by credentials pursuant to *Minnesota Statutes*, section 150A.06, subdivision 4 and part 3100.1400 shall submit with the license application a fee in the following amounts:

- A. dentist, ~~\$425~~ \$700; and
- B. dental hygienist, ~~\$100~~ \$150.

[For text of subp 4, see M.R.]

Subp. 5. **Duplicate license or registration fee.** Each licensee or registrant shall submit with a request for issuance of a duplicate of the original license or registration or of an annual renewal of it a fee in the following amounts:

- A. original dentist or dental hygiene license, ~~\$40~~ \$20; and
- B. initial and renewal registration certificates and license renewal certificates, ~~\$8~~ \$10.

Subp. 6. **Reinstatement fee.** No dentist, dental hygienist, or registered dental assistant whose license or registration has been suspended or revoked shall have the license or registration reinstated or a new license or registration issued until a fee has been submitted to the board in the following amount:

- A. dentist, ~~\$100~~ \$125;
- B. dental hygienist, ~~\$45~~ \$55; and
- C. registered dental assistant, ~~\$25~~ \$30.

[For text of subps 7 to 10, see M.R.]

Board of Marriage and Family Therapy

Proposed Permanent Rules Relating to Continuing Education

Notice of Intent to Adopt Rule Amendments Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Marriage and Family Therapy (hereinafter "Board") intends to adopt amendments to its Permanent Rules (Chapter 5300.0100-5300.0360) without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority for the Board to adopt rules is contained in *Minnesota Statutes* section 148B.31, 148.31, (1), (2), (4), (6), (7), 148B.31 subdivision 2, 148B. 37 subdivision 1(3) and 214.06.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule amendments. Comment is encouraged. Each comment should identify the portion of the proposed amendment addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw the request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

Comments or written requests for a public hearing must be submitted to: Board of Marriage and Family Therapy, 2700 University Ave. West, Suite 67, St. Paul, MN 55114. Telephone 612/643-3667.

The proposed rule may be modified in the modifications are supported by data any views submitted to the Board and do not result in substantial change in the proposed rule as herewith noticed.

The proposed rule amendments are as follows:

(See Attachment A)

A **Statement of Need and Reasonableness** that describes the need and reasonableness of each provision of the proposed rule amendments identifies the data and information relied upon to support the proposed and it is available from the Board upon request.

Promulgation of the proposed rules will not result in the expenditure of public names by public bodies nor have any impact on agricultural lands. Therefore, no further information need be provided under *Minnesota Statutes* section 14.115 regarding small business considerations in rulemaking. It is the position and the Board's evaluation of the applicability of the methods contained *Minnesota Statutes* section 14.115, subdivision 2 for reducing the impact of proposed rules, should it be determined that the Board is governed by section 14.115, are addressed in the Statement of Need and Reasonableness.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to the Board.

Dated: 21 June 1991

Penny Johnson
Chairperson

Rules as Proposed

5300.0320 CONTINUING EDUCATION REQUIREMENTS.

[For text of subpart 1, see M.R.]

Subp. 2. **Number of hours required.** Continuing education is not required during the licensee's initial licensure period, defined in part 5300.0260, subpart 2. After the initial licensure period, the licensee must complete a minimum of ~~45~~ 30 hours of continuing education ~~by December 31 every year~~ two years. Proof of completion of the required hours must be submitted to the board by December 31 of each odd-numbered year. The initial two-year period begins on January 1, 1992.

[For text of subps 3 to 11, see M.R.]

5300.0360 FEES.

All The following fees indicated in items A to K shall are nonrefundable and must be paid by cash or in the form of check, bank draft, or money order, made payable to the Board of Marriage and Family Therapy, Colonial Park Office Building, 2700 University Avenue West, Suite ~~225~~ 67, Saint Paul, Minnesota 55114. ~~All fees are nonrefundable.~~

- A. application for admission to written examination fee, \$200;
- B. written examination fee, not to exceed \$250;
- C. application for licensure fee, \$100;
- D. initial license fee, not to exceed \$100;
- E. application for licensure by reciprocity fee, \$300;
- F. annual renewal of license fee, ~~\$100~~ \$115;
- G. late renewal fee, \$50;
- H. reinstatement of license fee, \$150;
- I. sponsor's application for approval of a continuing education course fee, ~~\$25~~ \$50;
- J. penalty fee, \$75; and
- K. duplicate license fee, \$25.

The written examination fee in item B will be determined by the professional examination service approved by the Association for Marriage and Family Therapy Regulatory Boards administering the examination.

The initial license fee in item E will be prorated accordingly, depending on the month in which the applicant is approved for licensure.

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Department of Human Services

Adopted Permanent Rules Relating to Medical Assistance Mental Health Services

The rules proposed and published at *State Register*, Volume 15, Number 43, pages 2295-2296, April 22, 1991 (15 SR 2295) are adopted as proposed.

Pollution Control Agency

Adopted Permanent Rules Relating to Underground Storage Tanks

The rules proposed and published at *State Register*, Volume 15, Number 34, pages 1811-1831, February 19, 1991 (15 SR 1811) are adopted with the following modifications:

Rules as Adopted

7150.0030 DEFINITIONS.

Subp. 2. ~~Aboveground release.~~ "Aboveground release" means a release to the surface of the land or to surface water, including, but not limited to, releases from the aboveground part of an underground storage tank system and aboveground releases associated with overfills and transfer operations as the regulated substance moves to or from an underground storage tank system.

Subp. 3. 2. Agency. "Agency" means the Minnesota Pollution Control Agency.

Subp. 4. 3. Appurtenances. "Appurtenances" means devices such as piping, fittings, flanges, valves, and pumps used to distribute, meter, or control the flow of regulated substances to or from an underground storage tank.

Subp. 5. ~~Belowground release.~~ "Belowground release" means a release to the subsurface of the land and to groundwater, including, but not limited to, releases from the belowground parts of an underground storage tank system and belowground releases associated with overfills and transfer operations as the regulated substance moves to or from an underground storage tank.

Subp. 6. 4. Beneath the surface of the ground. "Beneath the surface of the ground" means beneath the ground surface or otherwise covered with earthen materials.

Subp. 7. 5. Cathodic protection. "Cathodic protection" means using a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell. For example, a tank system can be cathodically protected through the application of either galvanic anodes or impressed current.

Subp. 8. 6. Cathodic protection tester. "Cathodic protection tester" means a person who can demonstrate an understanding of the principles and measurements of all common types of cathodic protection systems as applied to buried or submerged metal piping and tank systems. At a minimum, such persons must have education and experience in soil resistivity, stray current, structure-to-soil potential, and component electrical isolation measurements of buried metal piping and tank systems.

Subp. 9. 7. Change in service. "Change in service" means a permanent removal from service or a change in the reported uses, contents, or ownership of an underground storage tank under *Minnesota Statutes*, section 116.48, subdivision 3, or an upgrade under this chapter.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Adopted Rules

Subp. ~~40-~~ **8. Closure or removal.** "Closure" or "removal" means permanently taking an underground storage tank out of service by either closing it in place, removing it from the ground, or converting it to store a nonregulated substance as required by this chapter.

Subp. ~~41-~~ **9. Commissioner.** "Commissioner" means the commissioner of the Minnesota Pollution Control Agency.

Subp. ~~42-~~ **10. Compatible.** "Compatible" means the ability of two or more substances to maintain their respective physical and chemical properties upon contact with one another for the design life of the tank system under conditions likely to be encountered in the underground storage tank.

Subp. ~~43-~~ **11. Connected piping.** "Connected piping" means underground piping including valves, elbows, joints, flanges, and flexible connectors attached to a tank system through which regulated substances flow. For the purpose of determining how much piping is connected to an individual underground storage tank system, the piping that joins two underground storage tank systems should be allocated equally between them.

Subp. ~~44-~~ **12. Consumptive use.** "Consumptive use," with respect to heating oil, means consumed on the premises.

Subp. ~~45-~~ **13. Corrosion expert.** "Corrosion expert" means a person who, by reason of thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. The person must be accredited or certified as being qualified by the National Association of Corrosion Engineers or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control of buried or submerged metal piping systems and metal tanks.

Subp. ~~46-~~ **14. Dielectric material.** "Dielectric material" means a material that does not conduct direct electrical current. Dielectric coatings are used to electrically isolate underground storage tank systems from the surrounding soils. Dielectric bushings are used to electrically isolate parts of the underground storage tank system, for example, tank from piping.

Subp. ~~47-~~ **15. Electrical equipment.** "Electrical equipment" means underground equipment that contains dielectric fluid that is necessary for the operation of equipment such as transformers and buried electrical cable.

Subp. ~~48-~~ **16. Excavation zone.** "Excavation zone" means the volume containing the tank system and backfill material bounded by the ground surface, walls, and floor of the pit and trenches into which the underground storage tank system is placed at the time of installation.

Subp. ~~49-~~ **17. Existing tank system.** "Existing tank system" means a tank system used to contain an accumulation of regulated substances or for which installation began on or before December 22, 1988. However, a tank system containing hazardous materials that is not regulated under Code of Federal Regulations, title 40, part 280, is considered an existing tank system if installation began on or before (insert 90 days after date of adoption). Installation is considered to have begun if:

Subp. ~~20-~~ **18. Farm tank.** "Farm tank" means a tank located on a tract of land devoted to the production of crops, raising animals, including fish, range land, nurseries with growing operations, and associated residences and improvements. A farm tank must be located on the farm property.

Subp. ~~21-~~ **19. Flow-through process tank.** "Flow-through process tank" means a tank that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process. Flow-through process tanks do not include tanks used for the storage of materials prior to their introduction into the production process or for the storage of finished products or by-products from the production process.

Subp. ~~22-~~ **20. Free product.** "Free product" means a regulated substance that is present as a nonaqueous phase liquid, for example, liquid not dissolved in water.

Subp. ~~23-~~ **21. Gathering lines.** "Gathering lines" means a pipeline, equipment, facility, or building used in the transportation of oil or gas during oil or gas production or gathering operations.

Subp. ~~24-~~ **22. Hazardous material.** "Hazardous material" means:

A. a substance listed in Code of Federal Regulations, title 49, section 172.101, including petroleum under subpart ~~38~~ **36**, item C, but not including:

(2) petroleum under subpart ~~38~~ **36**, item A, B, or D; or

B. any mixture of substances identified in item A and petroleum, unless the amount of the substance identified in item A is de minimus.

Substances identified in items A and B which also meet the definition of petroleum are considered hazardous materials.

Subp. ~~25-~~ **23. Hazardous material underground storage tank system.** "Hazardous material underground storage tank system" means an underground storage tank system that is used to contain a hazardous material.

Subp. ~~26-~~ **24. Heating oil.** "Heating oil" means petroleum that is Nos. 1, 2, and 4 light, No. 4 heavy, No. 5 light, No. 5 heavy,

and No. 6 technical grades of fuel oil; other residual fuel oils, including Navy Special Fuel Oil and Bunker C; and other fuels when used as substitutes for one of these fuel oils. Heating oil is typically used in the operation of heating equipment, boilers, or furnaces.

Subp. ~~27-~~ 25. **Hydraulic lift tank.** "Hydraulic lift tank" means a tank holding hydraulic fluid for a closed-loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators, and other similar devices.

Subp. ~~28-~~ 26. **Maintenance.** "Maintenance" means the normal operational upkeep to prevent an underground storage tank system from releasing a regulated substance.

Subp. ~~29-~~ 27. **Motor fuel.** "Motor fuel" means petroleum or a petroleum-based substance that is motor gasoline, aviation gasoline, No. 1 or 2 diesel fuel, or any grade of gasohol, and is typically used in the operation of a motor engine.

Subp. ~~30-~~ 28. **New tank system.** "New tank system" means a tank system that is or will be used to contain an accumulation of regulated substances and which is not an existing tank system as defined in subpart ~~49~~ 17.

Subp. ~~31-~~ 29. **Noncommercial purposes.** "Noncommercial purposes," with respect to motor fuel, means not for resale.

Subp. ~~32-~~ 30. **On the premises where stored.** "On the premises where stored," with respect to heating oil, means underground storage tank systems located on the same property where the stored heating oil is used.

Subp. ~~33-~~ 31. **Operational life.** "Operational life" means the period beginning when installation of the tank system has begun until the time the tank system is properly closed under parts 7150.0400 to 7150.0440.

Subp. ~~34-~~ 32. **Operator.** "Operator" means a person in control of or having responsibility for the daily operation of the underground storage tank system or a person who was in control of or had responsibility for the daily operation of the tank immediately before discontinuation of its use.

Operator also means a person who is responsible under *Minnesota Statutes*, section 115C.021, for a release from an underground storage tank containing petroleum, or a person who is responsible under *Minnesota Statutes*, section 115B.03, for a release from an underground storage tank containing a hazardous material. Operator does not include a person who operates a tank if the tank is not regulated by this chapter.

Subp. ~~35-~~ 33. **Overfill release.** "Overfill release" means a release occurring when a tank is filled beyond its capacity, resulting in a discharge of the regulated substance to the environment.

Subp. ~~36-~~ 34. **Owner.** "Owner" means a person who holds title to, controls or possesses an interest in an underground storage tank, and a person who held title to, controlled, or possessed an interest in the tank immediately before discontinuation of its use.

Owner also means a person who is responsible under *Minnesota Statutes*, section 115C.021, for a release from an underground storage tank containing petroleum, or a person who is responsible under *Minnesota Statutes*, section 115B.03, for a release from an underground storage tank containing a hazardous material.

Owner does not include a person who owns a tank if the tank is not regulated by this chapter and does not include a person who holds an interest in a tank solely for financial security, unless through foreclosure or other related actions the holder of a security interest has taken possession of the tank.

Subp. ~~37-~~ 35. **Person.** "Person" means an individual, partnership, association, public or private corporation, or other legal entity, including the United States government, an interstate commission or other body, the state, or any agency, board, bureau, office, department, or political subdivision of the state, but does not include the Minnesota Pollution Control Agency.

Subp. ~~38-~~ 36. **Petroleum.** "Petroleum" means one of the following substances:

Subp. ~~39-~~ 37. **Petroleum underground storage tank system.** "Petroleum underground storage tank system" means an underground storage tank system that is used to contain petroleum or a mixture of petroleum with de minimus quantities of hazardous materials.

Subp. ~~40-~~ 38. **Pipe or piping.** "Pipe" or "piping" means a hollow cylinder or tubular conduit for conveying a regulated substance from one point to another within an underground storage tank system.

Subp. ~~41-~~ 39. **Pipeline facilities.** "Pipeline facilities," including gathering lines, means new and existing pipe rights-of-way and any associated equipment, facilities, or buildings.

Subp. ~~42-~~ 40. **Regulated substance.** "Regulated substance" means a hazardous material or petroleum.

Subp. ~~43-~~ 41. **Release.** "Release" means a spilling, leaking, emitting, discharging, escaping, leaching, or disposing from an underground storage tank into the environment including spills associated with overfills and transfer operations as the regulated

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Adopted Rules

substance moves to or from an underground storage tank system. "Release" does not include discharges or designed venting allowed under agency rules.

Subp. 44- ~~42~~. **Release detection.** "Release detection" means determining whether a release of a regulated substance has occurred from the underground storage tank system into the environment or into the interstitial space between the underground storage tank system and its secondary barrier or secondary containment around it.

Subp. 45- ~~43~~. **Repair.** "Repair" means the correction, restoration, modification, or upgrading of a tank system, including, but not limited to, the addition of cathodic protection systems, the replacement of piping, valves, fill pipes or vents, the lining of a tank through the application of materials such as epoxy resins, or any other similar activities that may affect the integrity of the tank system.

Subp. 46- ~~44~~. **Residential tank.** "Residential tank" means a tank located on property used primarily for dwelling purposes.

Subp. 47- ~~45~~. **Septic tank.** "Septic tank" means a watertight, covered receptacle designed to receive or process through liquid separation or biological digestion, the sewage discharged from a building sewer. The effluent from the receptacle is distributed for disposal through the soil and settled solids and scum from the tank are pumped out periodically and hauled to a treatment facility.

Subp. 48- ~~46~~. **Storm water or wastewater collection system.** "Storm water or wastewater collection system" means piping, pumps, conduits, and any other equipment necessary to collect and transport the flow of surface water run-off resulting from precipitation, or domestic, commercial, or industrial wastewater to and from retention areas or areas where treatment is designated to occur. The collection of storm water and wastewater does not include treatment, except where incidental to conveyance.

Subp. 49- ~~47~~. **Surface impoundment.** "Surface impoundment" means a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials, although it may be lined with man-made materials, that is not an injection well.

Subp. 50- ~~48~~. **Tank.** "Tank" is a stationary device designed to contain an accumulation of regulated substances and constructed of nonearthen materials, such as concrete, steel, and plastic, that provide structural support.

Subp. 51- ~~49~~. **Tank system.** "Tank system" has the same meaning as underground storage tank and underground storage tank system.

Subp. 52- ~~50~~. **Underground area.** "Underground area" means an underground room such as a basement, cellar, shaft, or vault providing enough space for physical inspection of the exterior of the tank situated on or above the surface of the floor.

~~Subp. 53. **Underground release.** "Underground release" means a belowground release.~~

Subp. 54- ~~51~~. **Underground storage tank or underground storage tank system.** "Underground storage tank" or "underground storage tank system" means any one or combination of containers including tanks, vessels, enclosures, or structures and underground appurtenances connected to them that is used to contain or dispense an accumulation of regulated substances, and the volume of which, including the volume of underground pipes connected to them, is ten percent or more beneath the surface of the ground. This term does not include any tank or pipes connected to a tank described in part 7150.0010, subpart 2.

Subp. 55- ~~52~~. **Upgrade.** "Upgrade" means the addition or retrofit of systems such as cathodic protection, lining, piping, or spill and overflow controls to improve the ability of an underground storage tank system to prevent the release of a regulated substance.

Subp. 56- ~~53~~. **Wastewater treatment tank.** "Wastewater treatment tank" means a tank that is designed to receive and treat an influent wastewater through physical, chemical, or biological methods.

7150.0120 NOTIFICATION REQUIREMENTS.

Subp. 6. **Tank seller notification.** A person who sells a tank intended to be used as an underground storage tank or property that the seller knows contains an underground storage tank must notify the purchaser of the tank in writing of the owner's notification obligations under subpart 2 and under *Minnesota Statutes*, section 116.48.

7150.0300 GENERAL REQUIREMENTS FOR ALL UNDERGROUND STORAGE TANK SYSTEMS.

Subpart 1. **Methods.** Owners and operators of new and existing underground storage tank systems must provide a method, or combination of methods, of release detection that:

~~C. meets the performance requirements in part 7150.0330 or 7150.0340, with any performance claims and their manner of determination described in writing by the equipment manufacturer or installer. In addition, all methods must be capable of detecting the leak rate or quantity specified for that method in part 7150.0330, items B to E; or 7150.0340, items A and B, with a probability of detection of 0.95 and a probability of false alarm of 0.05. meets the performance standards in part 7150.0330 or 7150.0340. The performance of release detection equipment must be documented with written specifications supplied by the equipment manufacturer or installer. In addition, methods used after the date shown in the following table, except for methods permanently installed prior to that date, must be capable of detecting the leak rate or quantity specified for that method in the part of the rules listed in the table with a probability of detection of 0.95 and a probability of false alarm of 0.05:~~

<u>Method</u>	<u>Part</u>	<u>Date</u>
<u>Manual tank gauging</u>	7150.0330, <u>items B & C</u>	<u>December 22, 1990</u>
<u>Tank tightness testing</u>	7150.0330, <u>item D</u>	<u>December 22, 1990</u>
<u>Automatic tank gauging</u>	7150.0330, <u>item E</u>	<u>December 22, 1990</u>
<u>Automatic line leak detection</u>	7150.0340, <u>item A</u>	<u>September 22, 1991</u>
<u>Line tightness testing</u>	7150.0340, <u>item B</u>	<u>December 22, 1990</u>

7150.0310 REQUIREMENTS FOR PETROLEUM UNDERGROUND STORAGE TANK SYSTEMS.

Owners and operators of petroleum underground storage tank systems must provide release detection for tanks and piping as required in items A and B.

A. Tanks must be monitored at least every 30 days for releases using one of the methods in part 7150.0330, items E to I, except that:

(3) tanks with capacities of 550 1,000 gallons or less may use weekly manual tank gauging conducted according to part 7150.0330, item B, as the sole method of release detection.

7150.0330 METHODS OF RELEASE DETECTION FOR TANKS.

Each method of release detection for tanks used to meet the requirements of part 7150.0310 must be conducted according to items A to I.

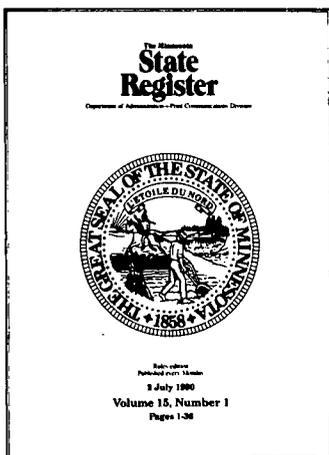
G. Testing or monitoring for liquids in the groundwater must meet the provisions of chapter 4725, must comply with local approvals or permits when located within a local public right-of-way, as well as meet the following requirements:

7150.0500 INCORPORATION BY REFERENCE.

Subp. 2. **Referenced standards.** The documents incorporated by reference in this chapter are listed in items A to K:

- I. Steel Tank Institute, 728 Anthony Trail, Northbrook 570 Oakwood Road, Lake Zurich, Illinois 60062 60047.

The "inside scoop" on OVER \$1 BILLION in annual business contracts.



Each year over \$1 billion in state contracts are awarded. About \$20 million in state contracts per week are advertised in the **STATE REGISTER**, the most complete listing of state contracts available. Just a *sampling* of contracts includes: professional, technical and consulting services, commodities, printing, equipment, supplies, food items, and a wide variety of special services.

For less than \$2 a week you can have delivered to your office the most effective and economical means of tracking state contracts. The smart way to stay in the know, and land the business of state government, is with the **STATE REGISTER**, now appearing TWICE A WEEK.

You will also have the *most comprehensive listing* of contract awards. And you'll receive the source of state agency rulemaking governing business, the professions and regulated occupations. You'll also get official notices, executive orders of the governor, a calendar of supreme court cases, state grants, and other special announcements.

An annual subscription is \$195 for both the Monday and Thursday editions, or \$140 for just the Monday edition if you're only interested in state agency rulemaking information. A 13-week trial subscription for \$60 includes both the Monday and Thursday editions. MasterCard/VISA and American Express orders can be taken over the phone, otherwise prepayment is required. Send, or FAX (612/296-2265), your orders to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Let us bring you the business of state government. Subscribe to the **STATE REGISTER** today, or call (612) 296-0931, or 1-800-657-3757 for more information.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Emergency Rules

Proposed Emergency Rules

According to Minn. Stat. of 1984, §§14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

- 1) that a free copy of the proposed emergency rule is available upon request from the agency;
- 2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
- 3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
- 4) that the emergency rule may be modified if the data and views submitted support such modification.

Adopted Emergency Rules

Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

Continued/Extended Emergency Rules

Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. 14.14-14.28 supercede emergency rules.

Pollution Control Agency

Air Quality Division

Proposed Emergency Rules Relating to Air Quality Permit Fees

Notice of Intent to Adopt Emergency Rules

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) intends to adopt the above-entitled emergency rules. The statutory authority to adopt the emergency rules is contained in *Minnesota Statutes* § 116.07, subd. 4d, as amended by the 1991 Minnesota Legislature in *1991 Minnesota Laws* ch. 254, art. 2, section 37. The MPCA, in adopting the rules, is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules, *Minnesota Statutes* §§ 14.29 to 14.36 (1990).

All persons have until 4:30 p.m. on August 5, 1991, to submit comments orally or in writing on the proposed emergency rules or any part or subpart of the rules. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. Written comments should be directed to Mark Strange at the address listed below.

Mr. Mark Strange
Air Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155

Oral comments will be accepted by Mr. Strange during regular business hours at the MPCA or over the telephone at (612) 296-9711. All general questions regarding the emergency rulemaking process should be directed to Norma Florell at (612) 296-7712.

If adopted, the proposed emergency rules will assess permit fees, based on the tons emitted of sulfur dioxide, nitrogen oxides, volatile organic compounds and particulate matter with an aerodynamic diameter of ten microns, to fund the state air quality program and provide the resources to implement the requirements of the 1990 Clean Air Act Amendments in Minnesota. The 1991 legislature appropriated \$3,317,000 to the air quality program for fiscal year 1992 to be collected as fees. The emission fees will be assessed to all air emission facilities which were subject in 1988 to the emissions inventory reporting requirements of the state air pollution control rules. These emergency rules will be in effect in fiscal year 1992. The MPCA will then adopt permanent rules to establish emission fees for fiscal year 1993 and thereafter.

Minnesota Statutes § 14.11, subd. 1 provides that if the adoption of a rule by an agency will require the expenditure of public money by local bodies, the notice published by the agency must contain a written statement giving the agency's reasonable estimate of the total cost to all local public bodies in the state to implement the rule for the two years immediately following adoption of the rule if the estimated cost exceeds \$100,000 in either of the two years. "Local public bodies" means officers and governing bodies of political subdivisions of the state and other officers and governing bodies of less than statewide jurisdiction which have the authority to levy taxes. The MPCA first notes that this emergency rule is allowed by law to only apply for up to a year after its promulgation. *Minnesota Statutes* § 14.35 (1990). This rule will therefore not apply after fiscal year 1992. The MPCA estimates that the total fee imposed upon local public bodies by this emergency rule in fiscal year 1992 is \$108,985.

The proposed emergency rules are published below. One free copy of the rules is available by contacting Norma Florell at (612) 296-7712. An informational document that provides an explanation of the provisions and background to the proposed emergency rules has been prepared and is available from Norma Florell upon request.

The proposed emergency rules may be modified if the modifications are supported by data and views submitted to the MPCA and do not result in a substantial change in the proposed emergency rules as noticed.

Upon adoption of the emergency rules by the MPCA, the emergency rules as adopted and its supporting documents will be delivered to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit a written request to Norma Florell at the address listed below:

Mrs. Norma Florell
Air Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155

The emergency rules will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rules will be continued in effect for an additional 180 days if the MPCA gives notice of continuation in accordance with *Minnesota Statutes* § 14.35 (1990).

Charles W. Williams
Commissioner

Rules as Proposed (all new material)

7002.0400 [Emergency] APPLICABILITY.

Parts 7002.0400 to 7002.0450 [Emergency] apply to all emission facilities that were subject in 1988 to the emissions inventory reporting requirements of part 7005.1870, subpart 4, and to indirect sources. During the time that this emergency rule is effective, parts 7002.0010 to 7002.0110 are not effective.

7002.0410 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 7002.0400 to 7002.0450 [Emergency], the following terms have the meanings given them.

Subp. 2. **Division chief.** "Division chief" means the division chief of the Air Quality Division of the Pollution Control Agency.

Subp. 3. **Emission facility.** "Emission facility" has the meaning given in Minnesota Statutes, section 116.06, subdivision 5, and part 7005.0100, subpart 10.

Subp. 4. **Indirect source.** "Indirect source" has the meaning given in part 7001.1260, subpart 5.

Subp. 5. **PM-10.** "PM-10" means particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers.

Subp. 6. **Volatile organic compound.** "Volatile organic compound" means an organic compound that participates in atmospheric photochemical reaction; that is, any organic compound other than those that the United States Environmental Protection Agency has designated as having negligible photochemical reactivity. As used in parts 7002.0400 to 7002.0450 [Emergency], volatile organic compound does not include:

- A. methane;
- B. ethane;
- C. 1,1,1-trichloroethane (methyl chloroform);
- D. trichlorotrifluoroethane (freon 113);
- E. methyl chloroform;
- F. methylene chloride;
- G. trichlorofluoromethane (CFC-11);
- H. dichlorodifluoromethane (CFC-12);
- I. chlorodifluoromethane (CFC-22);
- J. trifluoromethane (FC-23);
- K. trichlorotrifluoroethane (CFC-113);

Emergency Rules

L. dichlorotetrafluoroethane (CFC-114);

M. chloropentafluoroethane (CFC-115);

N. any other compound listed in table 1, as amended, of the United States Environmental Protection Agency's Recommended Policy on Control of Volatile Organic Compounds, *Federal Register*, volume 42, page 35314, July 8, 1977; or

O. any other compound determined by the United States Environmental Protection Agency to be negligibly photochemically reactive. These determinations are published in the *Federal Register*.

7002.0420 [Emergency] EMISSIONS FEE.

The owner or operator of all emission facilities that were subject in 1988 to the emissions inventory reporting requirements of part 7005.1870, subpart 4, shall pay an annual emissions fee of \$7.59 per ton of sulfur dioxide, nitrogen oxide, PM-10, and volatile organic compounds emitted from the emission facility, except that the fee shall not include an assessment for each of these pollutants for which the emission facility did not emit 25 tons or more. The tons of sulfur dioxide, nitrogen oxide, PM-10, and volatile organic compounds emitted from a source shall be the amount calculated by the division chief, based on the information reported by the owner or operator under part 7005.1870, subpart 4, for the 1988 emissions inventory and submitted to the division chief before January 1, 1991. Indirect sources shall pay an annual fee of \$400 through the year in which construction is completed or compliance with all permit provisions is documented, whichever is later.

7002.0430 [Emergency] PAYMENT OF FEE.

A person submitting the fee required by part 7002.0420 [Emergency] shall make the fee payable to the Pollution Control Agency, and shall submit it to the division chief. The fee shall be paid within 30 days of receipt of an invoice from the division chief. The division chief shall not send invoices to persons earlier in the calendar year than October 1.

7002.0440 [Emergency] LATE PAYMENT.

The permittee shall pay a late payment fee of 20 percent of the payment due for failure to make payment within 30 days of a payment date. The permittee shall pay an additional ten percent of the original payment due for each 30-day period or portion of that period that the payment is late.

7002.0450 [Emergency] NOTIFICATION OF ERROR.

A person who thinks that the fee assessed under part 7002.0420 [Emergency] is in error shall provide a written explanation of the person's position to the division chief along with the assessed fee. If the division chief finds that the assessed fee was in error, the overpayment shall be refunded to the permittee or credited to the permittee's account.

Revenue Notices

Effective July 1, 1991, the Department of Revenue has authority to issue revenue notices. A revenue notice is a policy statement made by the department that provides interpretation, details, or supplementary information concerning the application of law or rules. This authority was provided by the Legislature in 1991 Session Laws Chapter 291, article 21, section 6 and will be codified at *Minnesota Statutes* section 270.0604.

Department of Revenue

Revenue Notice #91-1: Transitional Periods for Sales and Use Tax Law Changes

Facts: During the 1991 legislative session, a number of changes were made to the sales and use tax laws. The legislature did not include any transitional language to grandfather in existing contracts.

Issue: Will the Commissioner administratively provide any transitional periods for contracts?

Conclusion: The Commissioner will allow a transitional period for enforceable written contracts for the following law changes:

1) Sales Tax Rate Increase (6 percent to 6.5 percent).

- **Construction contracts.** The rate increase does not apply to sales of building materials and supplies made under a bona fide written lump-sum or fixed-price construction contract that has no allocation provision for future taxes. The contract must be executed prior to June 1, 1991, and delivery of the materials and supplies used in performing the contract must be made on or before December 31, 1991.
- **Leases and taxable service contracts.** The rate increase does not apply to payments made for July and August, 1991 for leases of tangible personal property and contracts to provide taxable services if the lease or contract was executed prior to June 1, 1991. The additional .5 percent tax rate applies to payments made for September 1, 1991 and after.

The 6 percent rate applies to bills requiring payment before September 1, 1991 if the monthly billing period is split between August 1991 and September 1991. If payment for the split period is due after September 1, 1991, the additional .5 percent rate applies to the entire payment.

- **Tangible personal property.** The rate increase does not apply to sales made under a contract that was executed before June 1, 1991, if delivery is made before September 1, 1991.
- **Utility sales.** The rate increase does not apply to utility bills that include charges for service for any date before July 1, 1991, if the billing period ends before September 1, 1991. If the billing period includes services both before July 1 and after August 31, 1991, the 6.5 percent tax rate applies to services on or after July 1, 1991.
- **Motor Vehicles.**
 - Any transfers received by deputy registrars or the Department of Public Safety prior to July 1, 1991, will be taxed at the 6 percent rate.
 - Vehicles purchased before July 1, 1991 that are registered on or before July 15, 1991 will be taxed at the 6 percent rate.
 - Transfers received by deputy registrars or the Department of Public Safety after July 15, 1991, will be taxed at the 6.5 percent rate if the vehicle was purchased after May 31, 1991.
 - If a vehicle purchase order contract was signed before June 1, 1991 and the vehicle is delivered by August 31, 1991, the 6 percent rate applies provided the transfer is received by the deputy registrar or the Department of Public Safety on or before September 16, 1991. A copy of the purchase contract or other proof of purchase date must accompany the registration application to show that the contract was entered into prior to June 1, 1991.

2) Isolated/Occasional Sale Exemption Change (*Minnesota Statutes* § 297A.25, subd. 12).

Sales subject to this law change will be exempt if the contract was executed before June 1, 1991, and delivery of the tangible personal property is made before September 1, 1991.

3) Installation of Trees and Shrubs (*Minnesota Statutes* § 297A.01(3)(j)(vi) and § 297A.01(4)).

This transitional period only applies to contracts that solely involve the sale and installation of trees, shrubs, and other plants.

- For contracts executed prior to July 1, 1991, the 6 percent rate applies to the total charge for plants and installation labor if planting is started before July 1, 1991, regardless of when the contract is completed.
- If planting does not start until after June 30, 1991, the contract is considered a construction contract. The contractor must pay 6.5 percent sales tax on the cost of all materials used for the contract.

4) Private Communication Services (*Minnesota Statutes* § 297A.01(3)(f)); Kenneling Services (*Minnesota Statutes* § 297A.01(3)(j)(ix)); and Vehicle Rental Tax (*Minnesota Statutes* § 297A.135).

Sales subject to these law changes will be exempt if the contract was executed before June 1, 1991, and delivery of the services is made before September 1, 1991.

Dated: 8 July 1991

Official Notices

Pursuant to the provisions of *Minnesota Statutes* § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Administration

Building Codes & Standards Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Amendments to the Minnesota State Building Code Fees for Public Buildings

NOTICE IS HEREBY GIVEN that the State Building Codes and Standards Division is seeking information or opinions from sources outside the agency is preparing to amend the Minnesota State Building Code Fees for Public Buildings. The promulgation of

Official Notices

these rules is authorized by *Minnesota Statutes* Section 16B.61 and 16B.64, which permits the agency to amend the Minnesota State Building Code.

The State Building Codes and Standards Division requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment in writing. Written statements should be addressed to:

Peggi White
Building Codes and Standards Division
408 Metro Square Building
7th and Robert Streets
St. Paul, Minnesota 55101

All statements of information and comments shall be accepted until September 2, 1991 at 4:30 p.m. Any written material received by the State Building Codes and Standards Division shall become part of the record in the event the rules are promulgated.

Richard A. Brooks, Director
Building Codes & Standards Division

Department of Administration

Building Codes & Standards Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Amendments to the Minnesota State Building Code

NOTICE IS HEREBY GIVEN that the State Building Codes and Standards Division is seeking information or opinions from sources outside the agency in preparing to amend the Minnesota State Building Code on, but not limited to the Uniform Building Code, the Uniform Mechanical Code, SBC Disability regulations, the Minnesota Plumbing Code, Manufactured Home Rules, ANSI A17.1—1987/Elevator Code. The promulgation of these rules is authorized by *Minnesota Statutes* Section 16B.61 and 16B.64, which permits the agency to amend the Minnesota State Building Code.

The State Building Codes and Standards Division requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment in writing. Written statements should be addressed to:

Peggi White
Building Codes and Standards Division
408 Metro Square Building
7th and Robert Streets
St. Paul, Minnesota 55101

All statements of information and comments shall be accepted until September 2, 1991 at 4:30 p.m. Any written material received by the State Building Codes and Standards Division shall become part of the record in the event the rules are promulgated.

Richard A. Brooks, Director
Building Codes & Standards Division

Department of Human Services

Children's Services and Licensing Divisions

Notice of Solicitation of Outside Information or Opinions Regarding Revision of Rules Governing Licensure of Child Foster Care Providers

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is seeking information or opinions from sources outside the agency in revising *Minnesota Rules*, parts 9545.0010 to 9545.0260. Informally known as DHS Rule 1, the rule parts establish licensing standards that govern family foster care and group family foster care.

Adoption of the rule is authorized by *Minnesota Statutes*, section 245A.09, subdivision 1, which requires the commissioner to adopt rules to govern the operation, maintenance, and licensure of programs subject to licensure under Chapter 245A, the Human Services Licensing Act.

Rule 1 as presently written needs revision to be consistent with laws and rules enacted and to reflect changes in needs and services developed since Rule 1 was originally promulgated in the late 1970s. The revisions will address areas not mentioned in the current rule parts, such as respite care and staffed foster care provided in a residential setting.

The Department of Human Services requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Alice Weck, Rules Division, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3816. Oral statements will be received during regular business hours over the telephone at (612) 296-0626 and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 1 July 1991

Alice Weck
DHS Rule Division

Department of Human Services

Public Comment Period—State Child Welfare Services Plan

NOTICE IS HEREBY GIVEN by the Commissioner of the Minnesota Department of Human Services that the State Child Welfare Services Plan (Title IV-B of the Social Security Act) for the time period beginning October 1, 1991 and ending September 30, 1993 is available for public review and comment.

A copy of the plan for review can be obtained by contacting the Children's Services Division of the Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3832; telephone (612) 296-3800. Inquiries should be directed to Sue Hanes or Jeanne Pilla.

Comments must be submitted in writing to the Children's Services Division at the above address and postmarked by July 20, 1991. Only written comments will be considered.

Department of Public Safety

Driver and Vehicle Services Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to Rules Governing Deputy Registrars

NOTICE IS HEREBY GIVEN that the State Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to propose the amendment of rules governing deputy registrars, *Minnesota Rules*, parts 7406.0100 through 7406.0700. The commissioner has authority over deputy registrars under *Minnesota Statutes*, section 168.33. The amendment of the rules is authorized by *Minnesota Statutes*, section 299A.01, subdivision 6, which states: "The commissioner of public safety shall have the power to promulgate such rules pursuant to chapter 14, as are necessary to carry out the purposes of *Laws 1969*, chapter 1129." The amendment of the rules is also authorized under *Minnesota Statutes*, section 14.06.

The State Department of Public Safety requests information and opinions concerning the subject matter of these rules. Interested persons or groups may submit data or views in writing or orally. Written statements should be addressed to:

Laura Nehl-Trueman
Department of Public Safety
Driver and Vehicle Services Division
208 Transportation Building
395 John Ireland Boulevard
St. Paul, Minnesota 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-2608 and in person at the above address.

Official Notices

All statements of information and opinions will be accepted until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. Any written material received by the State Department of Public Safety will become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 28 June 1991

Ralph Church, Commissioner
Department of Public Safety

Department of Public Safety

Gambling Enforcement Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing the Licensing of Manufacturers and Distributors of Gambling Devices

NOTICE IS HEREBY GIVEN that the State Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to propose rules governing the licensing of manufacturers and distributors of gambling devices. The commissioner has authority over the licensing of manufacturers and distributors of gambling devices under *Minnesota Statutes*, section 299L.07, as enacted under *Laws of Minnesota 1991*, chapter 336, article 2, section 9. The rules are authorized by *Minnesota Statutes*, section 299L.03, subdivision 8, which states: "The commissioner may adopt rules . . . under chapter 14 to carry out the commissioner's duties under this chapter."

The State Department of Public Safety requests information and opinions concerning the subject matter of these rules. Interested persons or groups may submit data or views in writing or orally. Written statements should be addressed to:

John K. Willems
Gambling Enforcement Division
1600 University Avenue, Suite 205
St. Paul, Minnesota 55104-3827

Oral statements will be received during regular business hours over the telephone at (612) 643-3006 and in person at the above address.

All statements of information and opinions will be accepted until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. Any written material received by the State Department of Public Safety will become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 28 June 1991

Ralph Church, Commissioner
Department of Public Safety

Secretary of State

Election Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Establishing Alternate Procedures for the Adoption of Precinct Boundary Changes, Posting Notices of Boundary Changes, and Notifying Voters Affected by Boundary Changes

NOTICE IS HEREBY GIVEN that the Secretary of State is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules creating alternate procedures for the adoption of precinct boundary changes and providing all notifications of changes required to the public. The adoption of the rules is authorized by *Laws of 1991*, Chapter 349, section 33 which requires the Secretary of State to adopt rules on this subject.

The Secretary of State requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Joseph Mansky
Director, Election Division
180 State Office Building
St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-2805 and in person at the above address.

Professional, Technical & Consulting Contracts

All statements of information and opinions shall be accepted until August 9, 1991. Any written material received by the Secretary of State shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event the rule is adopted.

Dated: 26 June 1991

Joan Anderson Growe
Secretary of State

Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Department of Administration

Building Codes and Standards Division

Request for Proposals to Contract for Inspection Services

I. NOTICE IS HEREBY GIVEN that proposals are being solicited to provide Contract Inspection Services for public buildings in jurisdictions that do not have inspection agreements with the Department of Administration, Building Codes and Standards Division. Inspections are to be conducted in accordance with the Minnesota State Building Code. (*Minnesota Statute* 16B.61 Subd. 1A and 16B.62 Subd. 1.) This Request for Proposals does not obligate the state to complete the contracts, and the state reserves the right to open the Request for Proposals in 6 months. Multiple contracts will be awarded.

A. Proposals will be accepted from individuals only. Any firm or corporation submitting a proposal must stipulate a specific person to perform service(s) and his/her specific experience.

B. Public buildings for this contract means a building and its grounds the cost of which is paid for by the state or a state agency regardless of its cost, and a school district building project the cost of which is \$100,000 or more. (*Minnesota Statute* 16B.60 Subd. 6)

II. Division Goals and Objectives

To ensure that all public buildings are inspected and constructed in conformance with the Minnesota State Building Code and the Minnesota Building Codes and Standards Division's authorization to construct a public building.

III. Proposal Deadline and Contact:

Responses to this request are due in our offices by 4:30 p.m. on September 3, 1991. **ALL** responses and questions regarding this Request for Proposals should be addressed to:

Ms. Margaret White, Office Services Supervisor
ATTN: RFP Response
Building Codes and Standards Division
408 Metro Square
7th and Robert Streets
St. Paul, MN 55101
612/296-4626

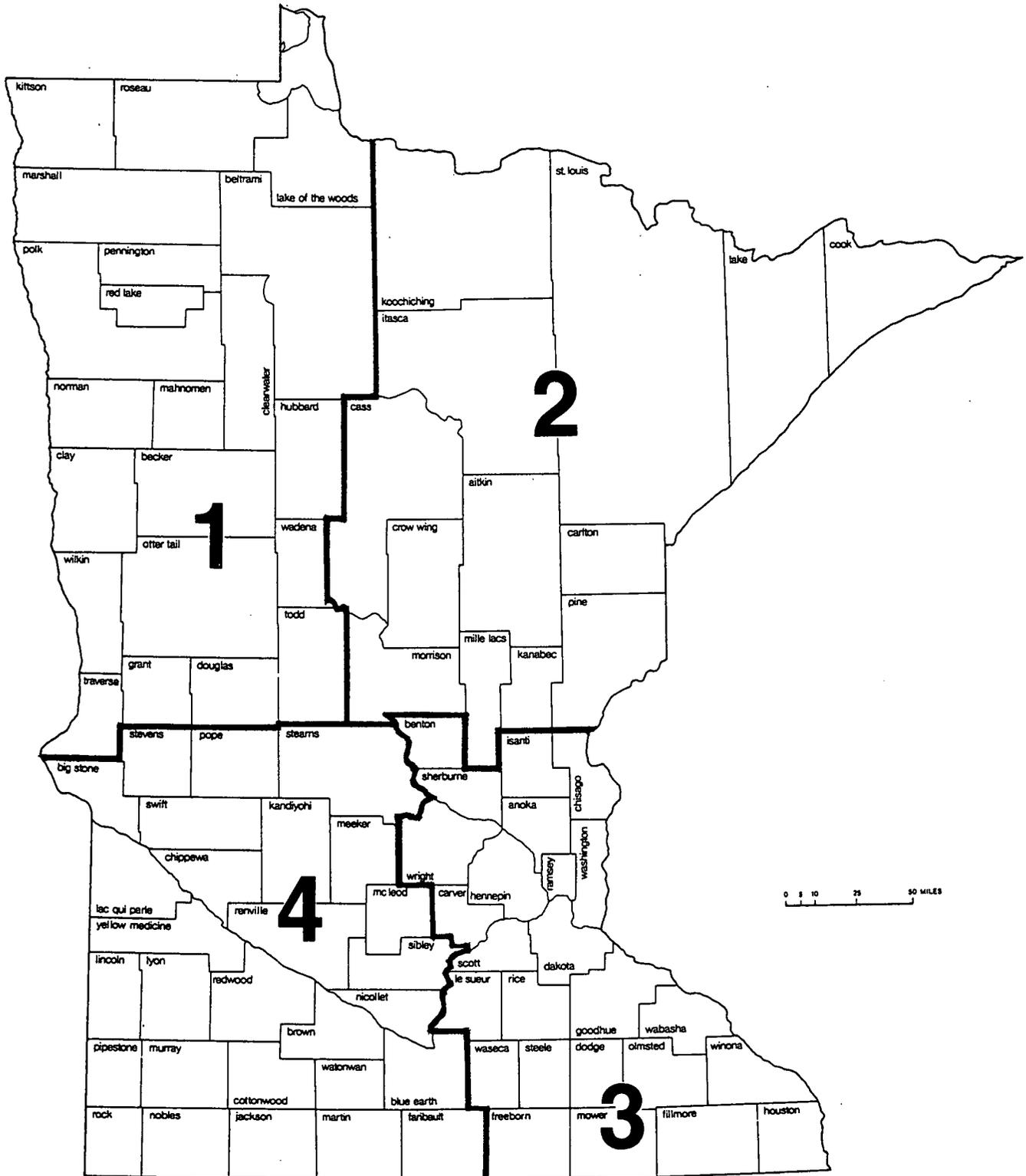
Please note only Ms. White is authorized to answer questions. Late proposals will not be accepted. All applicants will be notified of results.

IV. Scope of Contract

A. To provide inspection services for general building inspection, structural construction elements, handicap accessibility requirements, mechanical inspections, and automatic fire suppression systems. Upon selection as a Contract Inspector, work orders will be issued for individual projects, or portions of projects, depending on what Contract Inspection Services are needed and Contract Inspector's availability. The work orders will detail duties of specific assignments. This is a two year contract.

B. The state will be divided into four geographic areas. See map for designated areas. All proposals must clearly state which geographic area or areas of the state you are available to work in.

Professional, Technical & Consulting Contracts



Professional, Technical & Consulting Contracts

Area 1: Becker, Beltrami, Clay, Clearwater, Douglas, Grant, Hubbard, Kittson, Lake of the Woods, Mahnommen, Marshall, Norman, Otter Tail, Pennington, Polk, Red Lake, Roseau, Todd, Traverse, Wadena, and Wilkin counties.

Area 2: Aitkin, Carlton, Cass, Crow Wing, Cook, Itasca, Kanabec, Koochiching, Lake, Pine, Mille Lacs, Morrison, and St. Louis counties.

Area 3: Anoka, Benton, Carver, Chicago, Dakota, Dodge, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Isanti, Le Sueur, Mower, Olmsted, Ramsey, Rice, Scott, Sherburne, Steele, Wabasha, Waseca, Washington, Winona, and Wright counties.

Area 4: Big Stone, Blue Earth, Brown, Chippewa, Cottonwood, Faribault, Jackson, Kandiyohi, Lac Qui Parle, Lincoln, Lyon, Martin, McLeod, Meeker, Murray, Nicollet, Nobles, Pipestone, Pope, Redwood, Renville, Rock, Sibley, Stearns, Stevens, Swift, Watonwan, and Yellow Medicine counties.

V. STATEMENT OF WORK

A. Contract Inspector's Duties:

All the following items shall be in accordance with all construction documents authorized by the State Building Inspector.

1. Provide on-site inspection services based on written and signed work order issued by the Minnesota Building Codes and Standards Division.
2. Attend any construction meetings designated by written and signed work order issued by Minnesota Building Codes and Standards Division
3. Meet with Minnesota Building Codes and Standards Division staff in St. Paul office to review project plans and specifications based on written and signed work order issued by the Minnesota Building Codes and Standards Division.
4. Meet and confer with Minnesota Building Codes and Standards Division staff in field based on written and signed work order issued by the Minnesota Building Codes and Standards Division.
5. Report immediately personal observations of major violations or eminent hazards pertaining to the construction site.
6. Report immediately any "stop work" orders recommended to Division.
7. Report personal observations to Minnesota Building Codes and Standards Division of known noncompliance of any other state regulations or laws pertaining to the construction site (i.e. OSHA, licensed contractors).

B. Assistance From Minnesota Building Codes and Standards Division

1. Access to plans, specifications, plan review comments, or any other information which the Contract Inspector determines to be useful in the completion of the work order.
2. Access to any Division employee with whom the Contract Inspector needs to confer.
3. Access to any lists of state agencies or other Contract Inspectors involved in same contract.

C. Deliverable Items

1. Weekly type written status reports to include the following:
 - a. Daily observation reports.
 - b. Inspection services provided.
 - c. Time spent.
 - d. Description of any problems encountered.
 - e. Correction orders issued in accordance with authorized construction documents.
 - f. Correction order confirmation.
 - g. Copy of "stop work" orders when authorized by Minnesota Building Codes and Standards Division.
 - h. Test results of any system or equipment required by construction documents.
2. Monthly type written summary progress reports.
3. Final type written report to allow Minnesota Building Codes and Standards Division to issue certificate of occupancy.

D. Schedule

1. All type written reports to Minnesota Building Codes and Standards Division shall be submitted within seven calendar days of last inspection made in previous week.
2. Monthly type written summary report submitted within seven calendar days of last day of month.
3. Final type written report submitted within seven calendar days of completion of work.

Professional, Technical & Consulting Contracts

VI. Contract Payment Schedule:

A. The rates for compensation shall be \$45 per hour for all time and costs in conjunction with the services rendered in the contract and work order. Each work order issued will have the defined number of hours required to accomplish the work. The Contract Inspector shall be responsible to cover all personal liabilities. The Contract Inspector will be responsible for all incidental costs to provide the Contract Inspection services.

B. Reimbursement for travel and subsistence expenses actually and necessarily incurred by contractor in performance of this contract and work order(s) is included in the hourly rate. **No additional expenses incurred will be paid.**

C. Contracts awarded for Contract Inspection Services are not eligible for employer contribution and withholding of social security and other applicable taxes. Any obligations for social security payments and applicable taxes are the responsibility of the individual named in the contract.

D. Contract Inspector is required to furnish all personal safety equipment and comply with regulations necessary to carry out specified duties.

E. If you are subject to Worker's Compensation law, you must provide evidence of this coverage upon award of a contract.

F. You must provide evidence of automobile insurance coverage upon award of a contract.

G. The monthly invoice submitted by the Contract Inspector shall include the following information:

1. Inclusive dates for which payment is sought.
2. Listing of hours worked with a cross reference to the task worked on, work order(s), and conditions of work order(s).

VII. Qualifications of Contract Inspector:

A. All proposals, received by the deadline will be evaluated by Minnesota Building Codes and Standards Division representatives. Proposals will be evaluated on these minimum requirements of experience in on-site inspection or evaluation of commercial or residential structures, based on the eight areas listed in item "B" below. Experience will be evaluated on construction inspection, evaluation, code application, and/or administration based on plans, specifications, and code provisions.

B. Commercial structures are defined as A, B, E, H, and I Occupancies. Residential structures are defined as R and M Occupancies.

1. **General building inspection or evaluation—commercial structures:** minimum of five years experience.
2. **General building inspection or evaluation—residential structures:** minimum of three years experience.
3. **Structural construction inspection or evaluation—commercial structures:** minimum of five years experience.
4. **Structural construction inspection or evaluation—residential structures:** minimum of three years experience.
5. **Handicap accessibility inspection or evaluation:** minimum of five years experience.
6. **Mechanical systems inspection or evaluation—commercial structures:** minimum of five years experience.
7. **Mechanical systems inspection or evaluation—residential structures:** minimum of three years experience.
8. **Automatic fire suppression systems inspection or evaluation:** minimum of five years experience.

C. List all current certifications and/or registrations you possess which are applicable to building construction, inspection, or evaluation in Minnesota.

VIII. Proposal Contents:

A. Proposals must be typed on 8½" x 11" paper. Margins on all sides must be no less than one inch, so proposals may be inserted into a 3-ring binder. Maximum number of pages is six. Please submit original (six pages) and five copies of original, copied two sided (three pages total). **DO NOT PHOTO REDUCE.**

B. All proposals shall include the following information in the order indicated:

1. List name, address, and phone number for **BOTH** your work and home locations. List times you are available at each phone number.
2. Provide Social Security number or Minnesota Tax Identification number for payment purposes only.
3. State the number(s) of the geographic area(s) in which you are available to conduct Contract Inspection services. You must list all four geographic areas by number if you are available to provide Contract Inspection Services to all four areas of the state.
4. State the area(s) of inspections or evaluations that you have conducted. **Be specific in your work experience.** List types of structures and type of inspection or evaluation in which you have met the minimum experience requirements in on-site inspection or evaluation of commercial or residential structures. Experience will be evaluated on, but not limited to the areas of construction inspection, evaluation, code application, and/or administration based on plans, specifications, and code provisions. If you are experi-

Professional, Technical & Consulting Contracts

enced in more than one of the eight areas listed under "Contractor Inspection Qualifications," you must **identify each category by number and name**, and list your specific experience for each category.

If your experience qualifies you in more than one category, identify the next category by name and number and then indicate your experience as "See Above Experience" if the experience listed above qualifies you for this category. Otherwise, list your specific experience that qualifies you for that category. This will help to save space in your proposal.

a. The eight categories are:

1. General building inspection or evaluation—commercial structures.
2. General building inspection or evaluation—residential structures.
3. Structural construction inspection or evaluation—commercial structures.
4. Structural construction inspection or evaluation—residential structures.
5. Handicap accessibility inspection or evaluation.
6. Mechanical systems inspection or evaluation—commercial structures.
7. Mechanical systems inspection or evaluation—residential structures.
8. Automatic fire suppression systems inspection or evaluation.

5. Submit the names, addresses, and phone numbers of two verifiable references for your work experience.

6. List all current certifications and/or registrations in the field of construction inspection or evaluation.

7. Sign and date original proposal in black ink.

8. Copy original proposal front to back for two-sided copy. Make five copies this way.

9. Submit signed, original proposal along with five copies, in a sealed envelope with your name and address clearly shown on front of envelope.

10. Mail or deliver your proposal to Ms. Margaret White, Office Services Supervisor, ATTN: RFP Response, Minnesota Building Codes and Standards Division, 408 Metro Square Building, 7th & Robert Streets, St. Paul, MN 55101 so that it is received by deadline of 4:30 p.m. on September 3, 1991.

Department of Administration

Administrative Services—STAR Program

Notice of Request for Proposals for Two Assistive Technology Programs

The STAR Program, a project of the Governor's Advisory Council on Technology for People with Disabilities, is seeking Request for Proposals for two grant programs.

The first grant program is for community-based assistive technology resources, which will encourage the expansion of existing community-based technology-related assistance programs and the creation of new programs that will provide technology-related assistance to underserved people with disabilities throughout the state. The anticipated level of funding for this program is \$100,000 with the average grant award being \$5,000-\$25,000.

The second grant program is for an assistive technology mobile van delivery program to improve the delivery of assistive technology devices and services to underserved populations in all geographic areas of the state. The anticipated level of funding for this program is \$100,000.

Applications must be received by 4:30 p.m. on October 11, 1991. For applications and further information, please contact Rachel Wobschall, Executive Director, STAR Program, Department of Administration, 300 Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, (612) 297-1552, (612) 296-9962 TDD.

Minnesota Comprehensive Health Association

Request for Proposal (RFP) Available for Potential Bidders

A Request for Proposal (RFP) to be the Writing Carrier for the Minnesota Comprehensive Health Association (MCHA) is available for potential bidders.

Professional, Technical & Consulting Contracts

Responses to the RFP are due at the Minnesota Department of Commerce no later than 4:00 p.m. (CST) August 19, 1991.

Mail or fax your request for a copy of the RFP to:

L.R. Gruber
Minnesota Comprehensive Health Association
5775 Wayzata Blvd.
Suite 910
St. Louis Park, MN 55416
FAX—612-593-9673
Telephone—612-593-9609

Department of Health

Health Resources Division

Notice of Request for Proposals for Purchase of a Competency Evaluation for Nursing Assistants and Home Health Aides

The Minnesota Department of Health is seeking proposals from qualified testing services to purchase a competency evaluation (CE) which includes written/oral and skills demonstration components, CE scoring and reporting system, an on-going system of reliability and validity for the Competency Evaluation System and a reading comprehension examination for individuals taking the oral CE.

The selected bidder is expected to begin work immediately after the contract has been signed and administratively processed. The contract will be for a maximum of twelve months. Proposals must be submitted by July 29, 1991.

All requests for further information or copies of the complete Request for Proposals can be obtained by contacting Mary Absolon at (612) 643-2153.

Higher Education Coordinating Board

Notice of Availability of Request for Proposals for Graphic Arts and Design Services

The Higher Education Coordinating Board is requesting proposals from qualified graphic designers for consulting services to provide assistance for FY 1991. Proposals must be submitted no later than July 17, 1992.

Copies of the RFP are available from:

Communications
MHECB
400 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
(612) 296-9678

Dated: 20 June 1991

Higher Education Coordinating Board

Notice of Availability of Request for Proposals for Public Information Project

The Higher Education Coordinating Board is requesting proposals from qualified public relations firms on professional communicators to update the development and implementation of the Board's plan to communicate information to Minnesota parents about planning and paying for their children's post-secondary education.

Proposals must be submitted no later than July 17, 1991.

Copies of the RFP are available from:

Communications
MHECB
400 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
(612) 296-9678

Dated: 20 June 1991

Department of Human Services

Notice of Request for Proposals for the Development of a State Technical Assistance Center for Living-at-Home/Block Nurse Program Projects

The Long Term Care Management Division of the Department of Human Services is soliciting proposals from qualified applicants to develop a State Technical Assistance Center to aid in the development of living-at-home/block nurse program projects in Minnesota.

Eligible applicants are public and private agencies with the capacity to carry out the project activities, which are based upon the principles of the living-at-home/block nurse program model.

A total of \$55,000 is available to support this center for the 1992-1993 biennium, all of it occurring in fiscal year 1993. No minimum has been identified. No match is required.

The center will begin operation on or before September 30, 1991. The center design must incorporate the principles of the living-at-home/block nurse program model and be able to offer technical assistance to developing projects in the State.

Requests for copies of the complete RFP for the State Technical Assistance Center for Living-At-Home/Block Nurse Program Projects should be directed to Nancy Smith at 612-296-5892. The original and six copies of the proposal in response to the RFP must be submitted to the Caregiver Support Project, Long Term Care Management Division, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3844, no later than 4:00 p.m. on August 15, 1991.

The Long Term Care Management Division of the Department of Human Services and the State of Minnesota reserve the right to reject any and all proposals submitted.

Department of Human Services

Request for Proposals for Statewide Toll-Free Compulsive Gambling Hotline

The Department of Human Services, Mental Health Division, is seeking proposals from organizations with the capability of operating the Statewide Toll-Free Compulsive Gambling Hotline. The contract will be awarded on the basis of total cost, the technical capability and prior experience/expertise with the operation of a statewide toll-free hotline related to mental health or human services, knowledge about and understanding of addictive disorders, particularly that of problem and compulsive gambling.

The formal Request for Proposals which contains specifications may be requested from the Department of Human Services. The deadline for submitting a proposal is 4:30 p.m. August 12, 1991. Selection of the contractor will be made by August 25, 1991. The Commissioner of the Department of Human Services reserves the right to reject all proposals submitted.

Please direct proposals and inquiries to:

Alan Mathiason
Department of Human Services
444 Lafayette Road
St. Paul, MN 55155
Phone 612/296-2220

Department of Jobs and Training

Request for Proposals for the Transitional Housing Program

The Minnesota Department of Jobs and Training seeks proposals from Community Action Agencies, Housing and Redevelopment authorities, and other public and private non-profit agencies for projects to be funded under the State of Minnesota Transitional Housing Program. Jobs and Training has received an appropriation of \$420,000 to make grants in this fiscal year.

Activities eligible for funding under this program include the payment of operating and service costs associated with the provision of transitional housing services. A total of \$10,000 will be set-aside for program participant follow-up activities. Structural improvements to facilities, planning costs and the predevelopment costs associated with transitional housing program are not eligible uses of these funds.

Jobs and Training will accept proposals that initiate, maintain or expand transitional housing services to homeless persons. Application packages can be obtained by calling Barbara Krech at (612) 296-4658. An original and six copies of the completed application should be returned to:

Professional, Technical & Consulting Contracts

Department of Jobs and Training
Economic Opportunity Office
670 American Center Building
150 East Kellogg Blvd.
St. Paul, MN 55101
Attn: Patrick Leary

Applications must be received by 6:00 p.m., Monday, July 22, 1991.

An announcement of awards is expected by August 2, 1991. This request is subject to all laws, rules and regulations promulgated by a federal, state and municipal authority having jurisdiction as the same and may be amended from time to time. Applications for this RFP are prepared at the sole risk, cost and expense of the applicant.

For further information, contact Patrick Leary at (612) 297-3409, or Julie Urban at (612) 296-5759.

Minnesota State Lottery

Request for Proposal for a Telephone Survey

The Minnesota State Lottery is seeking proposals for a telephone survey to determine the attitudes of Minnesotans towards the lottery and their knowledge of the programs which benefit from lottery proceeds. The survey will consist of approximately 2,400 completed interviews of Minnesota households. Vendors interested in applying should contact: Susie Kivi, Buyer, at Minnesota State Lottery, 2645 Long Lake Road, Roseville, MN 55113 or call (612) 635-8105. The deadline for submitting responses is July 24, 1991.

Department of Transportation

Technical Services Division

Notice of Availability of Contract for Minnesota Signal Optimization & Timing Assistance Program (MN/SOTA)

The Department of Transportation is requesting proposals for MN/SOTA Program to conduct optimization projects on Mn/DOT's operational signal systems and the related tasks as necessary for data collection and final reporting procedures. Isolated signals and signal systems will be analyzed and re-timed statewide.

It is anticipated that the contract period will begin August 1991 and continue through June 1993.

For further information, or to obtain a copy of the completed Request for Proposal, contact Gabriel S. Bodoczy, P.E., Consultant Agreements Engineer, Room 720-S Transportation Bldg., 395 John Ireland Blvd., St. Paul, MN 55155 612/296-3051. Request for Proposal will be available through 4:00 p.m. July 18, 1991. Proposals must be received at the above address no later than 1:30 p.m. on July 29, 1991.

This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and the department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

State Grants

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Minnesota Higher Education Coordinating Board

Notice of Availability of Funds for Child Care Innovation Grants

The Minnesota Higher Education Coordinating Board (MHECB) is requesting applications for Child Care Innovation Grants. The purpose of the grants is to encourage innovative approaches to providing or financing child care services to post-secondary students.

Grants can be awarded to the governing board of a post-secondary system, to a specific college campus or organization, or to a private nonprofit organization.

Grant Term

This grant is for fiscal year 1992, which is from July 1, 1991 through June 30, 1992.

Project Costs

Grants may range up to \$25,000 and must demonstrate that the value of the services to be generated will substantially exceed the amount of the grant. Those interested in receiving requests for proposal should contact:

Financial Aid
Child Care Innovation Grants
400 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
(612) 296-9656

Grant applications will be accepted until 4:00 p.m., August 1, 1991.

Housing Finance Agency

Request for Proposals for the Housing Trust Fund Housing Program

The Minnesota Housing Finance Agency (MHFA) and the Housing Trust Fund Advisory Committee (HTFAC) announce the availability of \$900,000 in loan funds to eligible sponsors to assist them in the development, construction, acquisition, preservation and rehabilitation of affordable rental housing, limited equity cooperative housing, and homes for ownership by low income persons. These funds were generated by interest earnings on real estate brokers' trust accounts; interest accrued on revenue bond application fees and forfeited fees; and state appropriated funds.

FORM OF AWARDS: Funds are awarded to projects in the form of a zero interest deferred loan. To encourage the long term affordability of the housing provided under this program, a thirty year repayment schedule is used. The loan must be repaid in full if the project fails to operate as affordable housing for low income persons during the first ten years of the loan. During the next twenty years, five percent of the loan is forgiven each year provided that the housing remains affordable for low income persons and families.

SET ASIDE: Up to twenty percent (approximately \$180,000) of the total funds available may be used for projects that are not compatible with the 30 year repayment schedule. Within the twenty percent set aside, up to \$90,000 will be available for home ownership projects. The MHFA's and the HTFAC's intent is to use this set aside of funds to encourage innovative proposals which would otherwise not be possible to fund given the 30 year use commitment. All other requirements of the Housing Trust Fund program will apply to these projects. Applications submitted under the set aside will be evaluated with all applications received in response to the Request for Proposals.

ELIGIBLE APPLICANTS: Eligible applicants are individuals, for-profit entities, nonprofit entities, Minnesota Cities, joint power boards established by two or more cities, and Minnesota Housing and Redevelopment Authorities.

ELIGIBLE PROJECTS: The legislation requires that the funds from the trust fund account be used "to provide loans or grants for projects for the development, construction, acquisition, preservation, and rehabilitation of low income rental and limited equity cooperative housing units and homes for ownership. At least 75 percent of the rental and cooperative units, and 100 percent of the homes for ownership, must be rented to or cooperatively owned, or owned by persons or families whose income does not exceed 30 percent of the median family income for the metropolitan area." (*Minnesota Statutes* Sect. 462A.201 Subd. 2.) As of February 1991, 30 percent of the Minneapolis/St. Paul area median income was \$14,400.

It is the desire of the MHFA and the HTFAC to use the Housing Trust Fund Housing Program to encourage and support innovative approaches to housing problems which provide affordable housing with strong local support. It is expected that these funds will be used to leverage other funds or to provide the final piece of a financing package. They can be used in conjunction with other MHFA, State, or Federal programs as appropriate.

APPLICATION PROCESS: Applicants should request application packets from MHFA staff:

Minnesota Housing Finance Agency
400 Sibley Street, Suite 300
St. Paul, MN 55101
(612) 296-9844

If after reviewing the application materials there are any questions concerning the Housing Trust Fund Housing Program or the application process they should be directed to Denise Holter (612) 297-4294. Samples of successful applications are available for review at the MHFA offices. Applicants are encouraged to discuss the feasibility of their project proposal with MHFA staff prior to submitting an application for funds.

The original and two (2) copies of the application are due by 4:30 p.m. on Friday, August 30, 1991. The Housing Trust Fund Advisory Committee will review the applications and should make funding recommendations to the MHFA Board by October 24, 1991.

This Request for Proposals (RFP) is subject to all applicable federal, state, and municipal laws, rules, and regulations. MHFA reserves the right to modify or withdraw this RFP at any time and is not able to reimburse any applicant for costs incurred in the preparation or submittal of applications.

Department of Trade and Economic Development

Business Development Division

Notice of Solicitation of Outside Opinion for Grants to Operate a Pilot Technology Access Program

The National Institute of Standards and Technology in cooperation with the U.S. Small Business Administration has published a request for proposals [56 *Federal Register* 29470 (June 27, 1991)] seeking proposals from states for operation of a Pilot Technology Access Program authorized by P.L. 101-574 (November 15, 1990) and P.L. 101-515 (November 5, 1990).

Grants for operation of such a program will be made to a maximum of five states. The grants will be used for increasing the access of small businesses to on-line data bases.

These grants are competitive. P.L. 101-574 identifies the criteria for selection of the states to receive awards:

- (1) The ability of the State to carry out the purposes described . . . in a manner relevant to the needs of industries in that State;
- (2) The ability of the State to integrate the implementation of the Program with existing Federal and State technical and business assistance resources, including Small Business Development Centers; and
- (3) The ability of the State to continue the program established pursuant to this section after the termination of the Program.

The State of Minnesota through its Department of Trade and Economic Development is considering making application for one of these grants. The State is seeking the opinions of interested and affected parties as to how best to increase access by small businesses to on-line data bases in furtherance of the program goals. Information gained from this solicitation may be used in any proposal developed and submitted by the State.

Interested and affected parties may comment in writing on this subject by July 22 to Charles A. Schaffer at the Department of Trade and Economic Development, 900 American Center Building, 150 East Kellogg Boulevard, St. Paul, MN 55101, FAX # (612) 296-1290. All written comments received will be public information under the Data Practices Act. Only written responses (including fax responses) will be accepted.

No decision has been made to seek these funds and this solicitation does not obligate the State to develop or to submit a proposal. The State is under no obligation to incorporate or use in any proposal which may be developed the opinions or comments received as a result of this solicitation. Likewise, the State is under no obligation to answer, respond to or seek clarification of any opinions or comments received as a result of this solicitation.

The receipt of federal funds for such a pilot program is contingent upon approval by the Legislature in accordance with *Minnesota Statutes* 3.3005.

If such grant funds are received, any use, award or distribution of those funds will be performed according to applicable state law, including but not limited to, *Minnesota Statutes* Chapter 16B.7 relating to the procurement of consultant and technical services.

State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Materials Management Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Awards of contracts and advertised bids for commodities and printing, as well as awards of professional, technical and consulting contracts, appear in the midweek STATE REGISTER Contracts Supplement, published every Thursday. Call (612) 296-0931 for subscription information.

Materials Management Division—Department of Administration:

Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid.

Commodity: Modems for Zenith laptops
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: July 11
Agency: Minnesota Department of Health
Deliver to: Minneapolis
Requisition #: B 12500-72974

Commodity: Seagate hard disk
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: July 15
Agency: Minnesota Department of Transportation
Deliver to: Bemidji
Requisition #: B 79200-04028

Commodity: Mobile radiator—rebid
Contact: Pam Anderson 296-1053
Bid due date at 4:30pm: July 11
Agency: Department of Natural Resources—Field Services
Deliver to: North St. Paul
Requisition #: B 29000-56335-1

Commodity: Materials for roof repair—rebid
Contact: Pam Anderson 296-1053
Bid due date at 4:30pm: July 11
Agency: Minnesota Correctional Facility
Deliver to: Stillwater
Requisition #: B 78620-00388-1

Commodity: Portable generator
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: July 11
Agency: Department of Natural Resources—Regional Headquarters
Deliver to: Grand Rapids
Requisition #: B 29002-21028

Commodity: Kitchen devices
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: July 11
Agency: Minnesota Academy for the Blind
Deliver to: Faribault
Requisition #: B 37001-11342

Commodity: Attachmate software
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: July 11
Agency: Department of Revenue
Deliver to: St. Paul
Requisition #: B 67410-34516

Commodity: IBM PS/2 MOD 70
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: July 11
Agency: Lakewood Community College
Deliver to: White Bear Lake
Requisition #: B 27154-47192

Commodity: Schedule distribution
Contact: Pam Anderson 296-1053
Bid due date at 4:30pm: July 11
Agency: Community College Board Office
Deliver to: Cambridge
Requisition #: B 27141-48922

Commodity: OTT projector
Contact: Pam Anderson 296-1053
Bid due date at 4:30pm: July 11
Agency: Minnesota Pollution Control Agency
Deliver to: St. Paul
Requisition #: B 32400-27480

Commodity: Kitchen equipment
Contact: Joan Breisler 296-9071
Bid due date at 2pm: July 19
Agency: Rochester Community College
Deliver to: Rochester
Requisition #: B 27148-60754

Commodity: Braille software
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: July 15
Agency: Minnesota Academy for the Blind
Deliver to: Faribault
Requisition #: B 37001-11338

Commodity: Stage lighting
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: July 11
Agency: I R & R B
Deliver to: Chisholm
Requisition #: B 43000-14443

Commodity: Electrical motor supplies
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: July 11
Agency: Minnesota Correctional Facility
Deliver to: St. Cloud
Requisition #: B 78830-10921

Commodity: Shielding enclosure
Contact: Joan Breisler 296-9071
Bid due date at 2pm: July 15
Agency: Minnesota Department of Transportation
Deliver to: Various places
Requisition #: B 79000-14934

State Contracts and Advertised Bids

Commodity: Miscellaneous electrical supplies

Contact: Joan Breisler 296-9071

Bid due date at 4:30pm: July 15

Agency: Minnesota Department of Transportation

Deliver to: Virginia

Requisition #: B 79150-00162

Commodity: Sealing compound

Contact: Joan Breisler 296-9071

Bid due date at 4:30pm: July 11

Agency: Minnesota Department of Transportation

Deliver to: Owatonna

Requisition #: B 79650-00525

Commodity: Canon sure shot

Contact: Joan Breisler 296-9071

Bid due date at 4:30pm: July 11

Agency: Board of Water & Soil Resources

Deliver to: Duluth

Requisition #: B 99780-10916

Commodity: Block dry ice

Contact: Linda Parkos 296-3725

Bid due date at 4:30pm: July 9

Agency: Minnesota Department of Health

Deliver to: Minneapolis

Requisition #: B 12500-80133

Commodity: Floor cleaning equipment

Contact: Linda Parkos 296-3725

Bid due date at 4:30pm: July 9

Agency: Minnesota Department of Transportation

Deliver to: New Brighton

Requisition #: B 79000-15026

Commodity: PC census upgrade

Contact: Joan Breisler 296-9071

Bid due date at 4:30pm: July 11

Agency: Minnesota Department of Transportation

Deliver to: St. Paul

Requisition #: B 79000-15140

Commodity: Miscellaneous electronic hardware

Contact: Joan Breisler 296-9071

Bid due date at 4:30pm: July 11

Agency: Minnesota Department of Transportation

Deliver to: Brainerd

Requisition #: B 79300-09568

Commodity: Canon camera

Contact: Joan Breisler 296-9071

Bid due date at 4:30pm: July 11

Agency: Trade & Economic Development/Fiscal Services

Deliver to: Blaine

Requisition #: B 99270-00063

Commodity: Bathtub & fixtures

Contact: Linda Parkos 296-3725

Bid due date at 4:30pm: July 9

Agency: Facilities Management Office

Deliver to: Little Falls

Requisition #: B 01000-06549

Commodity: Steel fire rings

Contact: Linda Parkos 296-3725

Bid due date at 4:30pm: July 9

Agency: Department of Natural Resources—Division of Trails

Deliver to: Various places

Requisition #: B 29000-56506

Commodity: Halon 1301 maintenance

Contact: Jack Bauer 296-2621

Bid due date at 4:30pm: July 15

Agency: Minnesota Housing Finance Agency

Deliver to: St. Paul

Requisition #: B 34000-06834

Commodity: Accelerator for Mac SE

Contact: Bernadette Vogel 296-3778

Bid due date at 4:30pm: July 12

Agency: St. Cloud State University

Deliver to: St. Cloud

Requisition #: B 26073-22840

Commodity: Mycom computer 386/25

Contact: Bernadette Vogel 296-3778

Bid due date at 4:30pm: July 12

Agency: Lakewood Community College

Deliver to: White Bear Lake

Requisition #: B 27154-47200

Commodity: Samsung monitor

Contact: Bernadette Vogel 296-3778

Bid due date at 4:30pm: July 12

Agency: Minnesota Department of Education/Accounts Payable

Deliver to: St. Paul

Requisition #: B 37080-90001

Commodity: 386SX/16 computers

Contact: Bernadette Vogel 296-3778

Bid due date at 4:30pm: July 12

Agency: Faribault Regional Center

Deliver to: Faribault

Requisition #: B 55303-15434

Commodity: Autoboot switching units

Contact: Bernadette Vogel 296-3778

Bid due date at 4:30pm: July 12

Agency: Department of Revenue

Deliver to: St. Paul

Requisition #: B 67120-34540

Commodity: Software for VMS

Contact: Joan Breisler 296-9071

Bid due date at 4:30pm: July 12

Agency: Minnesota Department of Health

Deliver to: Minneapolis

Requisition #: B 12400-72749

Commodity: Ice machine

Contact: Joan Breisler 296-9071

Bid due date at 4:30pm: July 12

Agency: Rochester Community College

Deliver to: Rochester

Requisition #: B 27148-60729

Commodity: Headmaster—second request please reply

Contact: Bernadette Vogel 296-3778

Bid due date at 4:30pm: July 12

Agency: Hibbing Community College

Deliver to: Hibbing

Requisition #: B 27143-43232

Commodity: Ph level meters

Contact: Bernadette Vogel 296-3778

Bid due date at 4:30pm: July 12

Agency: Minnesota Pollution Control Agency

Deliver to: St. Paul

Requisition #: B 32100-27494

Commodity: Seiko monitor

Contact: Bernadette Vogel 296-3778

Bid due date at 4:30pm: July 12

Agency: IRR & RB

Deliver to: Eveleth

Requisition #: B 43000-14346-1

State Contracts and Advertised Bids

Commodity: ZXCSNT surge suppressors—no sub
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: July 12
Agency: Department of Revenue
Deliver to: St. Paul
Requisition #: B 67120-34539

Commodity: 486/33 computers
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: July 16
Agency: Department of Revenue
Deliver to: St. Paul
Requisition #: B 67120-34542

Commodity: Access colilert
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: July 16
Agency: Minnesota Department of Health
Deliver to: Minneapolis
Requisition #: B 12400-80262

Commodity: Enlarger light source
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: July 12
Agency: Department of Natural Resources—Division of Enforcement
Deliver to: St. Paul
Requisition #: B 29000-56513

Commodity: Computer program
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: July 12
Agency: Minnesota Department of Transportation
Deliver to: Maplewood
Requisition #: B 79000-15021

Commodity: Used or rebuilt copier
Contact: Jack Bauer 296-2621
Bid due date at 4:30pm: July 16
Agency: Trade & Economic Development/Fiscal Services
Deliver to: Mankato
Requisition #: B 22400-05023

Commodity: Typewriter maintenance
Contact: Jack Bauer 296-2621
Bid due date at 2pm: July 11
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23050

Commodity: Display
Contact: Jack Bauer 296-2621
Bid due date at 4:30pm: July 16
Agency: Department of Natural Resources—Division of Forestry
Deliver to: Grand Rapids
Requisition #: B 29000-56617

Commodity: Fencing
Contact: Jack Bauer 296-2621
Bid due date at 4:30pm: July 12
Agency: Department of Natural Resources—Regional Headquarters
Deliver to: Rochester
Requisition #: B 29005-15165

Commodity: 286/20 computer
Contact: Jack Bauer 296-2621
Bid due date at 4:30pm: July 12
Agency: Minnesota Department of Education/Accounts Payable
Deliver to: Various places
Requisition #: B 37010-90002

Commodity: Fence and install
Contact: Jack Bauer 296-2621
Bid due date at 4:30pm: July 16
Agency: IRR & RB
Deliver to: Chisholm
Requisition #: B 42000-14437

Commodity: Meter and kit
Contact: Jack Bauer 296-2621
Bid due date at 4:30pm: July 16
Agency: Minnesota Department of Health
Deliver to: Minneapolis
Requisition #: B 12800-72973

Commodity: Used or rebuilt copier
Contact: Jack Bauer 296-2621
Bid due date at 4:30pm: July 16
Agency: Trade & Economic Development/Fiscal Services
Deliver to: Duluth
Requisition #: B 22400-05024

Commodity: Fence posts/wire
Contact: Jack Bauer 296-2621
Bid due date at 4:30pm: July 16
Agency: Department of Natural Resources—Wildlife, Division of Fish & Game
Deliver to: St. Paul
Requisition #: B 29000-56556

Commodity: Signs
Contact: Jack Bauer 296-2621
Bid due date at 4:30pm: July 16
Agency: Department of Natural Resources—Regional Headquarters
Deliver to: New Ulm
Requisition #: B 29004-14900

Commodity: Canon toner
Contact: Jack Bauer 296-2621
Bid due date at 4:30pm: July 16
Agency: Minnesota Academy for the Blind
Deliver to: Faribault
Requisition #: B 37001-11340

Commodity: Facsimile machine
Contact: Jack Bauer 296-2621
Bid due date at 4:30pm: July 16
Agency: Department of Labor & Industry
Deliver to: St. Paul
Requisition #: B 42300-20037

Commodity: Paper shredder
Contact: Jack Bauer 296-2621
Bid due date at 4:30pm: July 16
Agency: Moose Lake R.T.C.
Deliver to: Moose Lake
Requisition #: B 55103-05627

Commodity: Fire alarm panel
Contact: Jack Bauer 296-2621
Bid due date at 2pm: July 16
Agency: St. Peter Regional Treatment Center
Deliver to: St. Peter
Requisition #: B 55105-08860

Commodity: Chart caddy
Contact: Jack Bauer 296-2621
Bid due date at 4:30pm: July 16
Agency: Ah Gwah Ching Nursing Home
Deliver to: Ah Gwah Ching
Requisition #: B 55510-03779

Commodity: Dictating equipment
Contact: Jack Bauer 296-2621
Bid due date at 4:30pm: July 16
Agency: Minnesota Department of Corrections
Deliver to: Various places
Requisition #: B 78000-27304

State Contracts and Advertised Bids

Commodity: Copier
Contact: Jack Bauer 296-2621
Bid due date at 4:30pm: July 16
Agency: Minnesota Correctional Facility
Deliver to: St. Cloud
Requisition #: B 78830-10936

Commodity: Calculators
Contact: Jack Bauer 296-2621
Bid due date at 4:30pm: July 16
Agency: Minnesota Department of Transportation
Deliver to: St. Paul
Requisition #: B 79000-15141

Commodity: Wheel for Ammerman fan
Contact: Mary Jo Bruski 296-3772
Bid due date at 4:30pm: July 16
Agency: Minnesota Correctional Facility
Deliver to: St. Cloud
Requisition #: B 78830-10931

Commodity: Unit heater
Contact: Mary Jo Bruski 296-3772
Bid due date at 4:30pm: July 16
Agency: Minnesota Department of Transportation
Deliver to: Mankato
Requisition #: B 79000-15076

Commodity: Paper shredder
Contact: Jack Bauer 296-2621
Bid due date at 4:30pm: July 16
Agency: Ah Gwah Ching Nursing Home
Deliver to: Ah Gwah Ching
Requisition #: B 55510-03767

Commodity: Safe
Contact: Jack Bauer 296-2621
Bid due date at 4:30pm: July 16
Agency: Minnesota Veterans Home
Deliver to: Silver Bay
Requisition #: B 75300-30172

Commodity: Alarm parts
Contact: Jack Bauer 296-2621
Bid due date at 4:30pm: July 16
Agency: Minnesota Correctional Facility
Deliver to: St. Cloud
Requisition #: B 78830-10917

Commodity: Rescue equipment
Contact: Jack Bauer 296-2621
Bid due date at 4:30pm: July 16
Agency: Minnesota Department of Transportation
Deliver to: Duluth
Requisition #: B 79000-15099

Commodity: Air conditioning equipment
Contact: Mary Jo Bruski 296-3772
Bid due date at 4:30pm: July 16
Agency: Minnesota Department of Corrections
Deliver to: Stillwater
Requisition #: B 78000-25495

Commodity: Hydraulic vehicle lift
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: July 12
Agency: Minnesota Department of Transportation
Deliver to: Various places
Requisition #: B 79000-14935-1

Commodity: Tools: Industrial tools, wrenches, sockets and tool boxes
Contact: Patricia Anderson 296-3770
Bid due date at 2pm: July 17
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Department of Administration: Print Communications Division

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

Printing vendors NOTE: Other printing contracts can be found in the Materials Management Division listing above, and in the Professional, Technical & Consulting Contracts section immediately following this section.

Commodity: Normandale Class Schedules, 360M total—two issues (winter and spring), 48 pages self cover, 8¼"x10¾", camera ready, 2-sided, saddle stitch
Contact: Printing Buyer's Office
Bids are due: July 15
Agency: Normandale Community College
Deliver to: Bloomington
Requisition #: 17168

Commodity: Fall, Winter and Spring 1991-92 Continuing Education Schedules, 100M each issue, 20 pages + cover, 1-fold to 8½"x11", camera ready, 2-sided, glue or saddle stitch
Contact: Printing Buyer's Office
Bids are due: July 15
Agency: Lakewood Community College
Deliver to: White Bear Lake
Requisition #: 17199

Commodity: Giants Ridge Brochure, 50M 14"x8½" 2-folds to 3½"x8½", 16 pages, camera ready, 32 color photos, full bleed all pages, saddle stitch
Contact: Printing Buyer's Office
Bids are due: July 15
Agency: Giants Ridge
Deliver to: Biwabik
Requisition #: 17378

Commodity: Tourism Office Color Separations and black and white halftone specifications on contract for a variety of 35mm slides or flat art original transparencies, all individually laser scanned, no ganged seps accepted, highest quality
Contact: Printing Buyer's Office
Bids are due: July 10
Agency: Trade & Economic Development Department
Deliver to: Tourism Office, St. Paul
Requisition #: 17006

Commodity: Granite Brochure Separations, 15 total various sizes, all from 35mm slides, highest quality sought, each with individual focus
Contact: Printing Buyer's Office
Bids are due: July 10
Agency: Natural Resources Department
Deliver to: St. Paul
Requisition #: 17244

Commodity: 10-Day Temporary Permit (Intrastate), 3M 9½"x11" overall, fan fold 1-up, punch and perf for continuous pinfeed left/right, negs furnished, 1-sided
Contact: Printing Buyer's Office
Bids are due: July 10
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 17346

Announcements

Call for Papers: The 1991 planning committee for the Minnesota Conference on Policy Analysis (formerly Economic Analysis Research Network) is soliciting papers for its fall conference. Papers should address the topics of restructuring, consolidation and privatization as it applies to state and local government. Other topics will be considered for an "open session" that addresses interesting, timely subjects not directly related to the conference theme. The conference, "Restructuring, Consolidation and Privatization: Using Analysis for Public Policy Development," will be held Monday 28 October 1991, Earle Brown Center, Univ. of Minn.-St. Paul Campus. Papers should provide information on the use of social science research and analysis to promote better decision making to enable decision-makers and those who influence them, to make effective policies. Proposals should be directed to Terrence F. Kayser, Program Chair, c/o Metropolitan Council, 230 East Fifth Street, St. Paul, MN 55101-1634; (612) 291-6356 (FAX: 291-6464). *Deadline for receipt of proposals is Friday 16 August 1991.*

Local Government Liaison Officer Appointed: Norman Moody, Beltrami County coordinator, has been appointed Local Government Liaison Officer for the Minnesota Department of Natural Resources by Commissioner Rod Sando. In his new position, Moody will serve as a special assistant to the commissioner, planning and directing a program to strengthen working relationships between the DNR Commissioner's Office and local units of government. Moody will join the DNR on July 8. He has been employed by Beltrami County since 1980, where he served as the county's wildlife game forester in the Land Department before becoming county coordinator in 1986. Previously, he was a natural resource planner for Northern States Power Co. from 1977-1980. A native of Scandia, Minn., Moody earned degrees in forest and wildlife management from the University of Minnesota.

Conservation Reserve Program Tree Contracts: The next sign-up period for the Conservation Reserve Program (CRP) will be held July 8 through July 19 at county Agricultural Stabilization & Conservation Service (ASCS) offices. This will be the only sign-up for landowners wishing to enroll lands for the 1992 planting season. CRP retires highly erodible farmland by offering landowners annual payments for 10 years in exchange for planting non-harvestable cover crops. The CRP, which originated with the 1985 Farm Bill, was modified in the 1990 Farm Bill to include two changes to promote tree planting. These changes give priority to acres planted to trees and also provide an additional five years of payments when trees are chosen as the cover crop, for a total of 15 years. A national cap on acres has been established. All bids will be ranked and accepted in order until the cap is reached. All bids in the nation will be evaluated based on the environmental benefits gained per dollar expended when compared to all other bids, and the reasonableness of the bid. In order to be eligible, landowners must indicate at the time of bidding that trees will be planted. Interested landowners are advised to have potential fields prescreened by the ASCS and Soil Conservation Service (SCS). Another change in the 1990 farm bill allows landowners to receive 15 years of payments if they agree to establish hardwood trees, field windbreaks, shelterbelts and wildlife corridors. Hardwoods include species such as oak, walnut, ash or hybrid poplar. Hardwoods may be mixed with conifer species like spruce or pine, or mixed with shrubs, as long as 51 percent of the field is planted to hardwoods. Landowners may choose any contract length between 10 and 15 years under this provision. For more information contact the local ASCS, SCS, or forestry office.

For Real Estate Professionals:

REAL ESTATE RULES 1989

Chapters 2800, 2805, and 2810 from the Minnesota Rules. *Essential* for both students and established brokers and salespersons. It contains all education and licensing requirements. Code No. 3-99. \$9.00

REAL ESTATE LAWS 1989

Includes all the changes made by the 1986 State Legislature. Complete and up-to-date. Code No. 2-92. \$8.00



TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-657-3757. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. *Prices are subject to change.* FAX: (612) 296-2265.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.



Morel: Minnesota's mushroom

The Mushroom Hunter's Field Guide. An all-color guide by Alexander Smith and Nancy Smith Weber with clear and orderly facts, explicit pictures and scientific accuracy. Stock #9-10, \$16.95.

Edible Mushrooms, a classic guide to safe mushrooms, describes 60 species in detail, with photographs (many in color) to show each in its natural habitat. Advice to amateur mushroom hunters. Paperbound, 118 pp. Code #19-11, \$9.95.

Malfred Ferndock's Morel Cookbook, brim full of morel lore, interesting and tall tales, recounts of the hunt, and many savory recipes. Spiral bound, 117 pgs., black & white photos and drawings. Code #19-83, \$8.50.

Northland Wildflowers, the perfect mushroomers companion. An excellent guide for identification and enjoyment of wildflowers, with 308 color photographs and descriptions of 300 species. Paperbound. 236 pp. Code #19-9, \$16.95.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-657-3757. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. *Prices are subject to change.* FAX: (612) 296-2265.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Murder: Minnesota style

Murder in Minnesota: A treasury of vintage crimes in which famous and obscure characters come to life in all their cleverness or murderous madness. Minnesota cases from 1858-1917. 253 pp. photos, index. Code 17-35, \$5.95.

Robber and Hero: On September 7, 1876 six members of the James-Younger gang blasted their way out of Northfield, Minnesota. George Huntington's classic account of the Northfield Bank raid is as fascinating today as it was when first published 19 years after the attempted robbery. 125 pp., charts, maps, photos, with index. Code 17-40, \$5.95.

Secrets of the Congdon Mansion: The prosecutor called it a crime of greed. A complex, intriguing murder case, set in one of Minnesota's most spectacular mansions, and now a top Minnesota tourist attraction on Duluth's famous Lake Superior North Shore Drive. By Joe Kimball, 64 pp., drawings. Code 19-56, \$5.95.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. *Prices are subject to change.* FAX: (612) 296-2265.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Minnesota's Bookstore

Publications, Services, Subscriptions

Order Form on Back—For Information, Call 297-3000

NEW PUBLICATIONS:

1991 Minnesota Rules. Eleven volume set includes 1992 Supplement as a subscription service. Stock #18-100, \$200 + \$12.00 sales tax (Minnesota residents only). Individual volumes can be purchased at \$20.00 + \$1.20 sales tax.

1990 Minnesota Session Laws. Two volume set includes laws passed during the 1990 session and the 1989 Special Session. Stock #18-6, \$40.00 + \$2.40 tax.

Community Waste Education Manual. Practical guide helps communities develop waste education campaigns with organizing volunteers, planning a budget, working with media and more. Includes camera-ready art and copy for media and publication needs. Stock #5-7, \$22.95 + \$1.38 tax.

School District Profile 1988-89. Comparative enrollment, staffing and financial data on Minnesota's school districts, evaluation of the statistical content with commentary on trends and patterns. Stock #5-3, \$5.00 + 30¢ tax.

The School Book 1990-91. Comprehensive guide to elementary schools in the Twin Cities: school addresses/phone, staffing information, and MTC bus connections at schools. Lists class size, student/teacher ratio, grading and curriculum. 554 pages. Stock #40-9, \$12.95 + 78¢ tax.

Chemical Dependency Programs Directory 1989. Features comprehensive listings for programs ranging from Prevention/Intervention Services to a wide range of Treatment Services. Each type of program includes an alphabetical listing of facilities and brief narrative description of programming provided. Stock No. 1-12, \$15.00 plus tax.

Process Parenting—Breaking the Addictive Cycle. A training manual that provides parent education and treatment techniques for professionals who work with recovering chemically dependent parents or dysfunctional families. Stock No. 5-4, \$15.00 plus tax.

It's Never Okay: A Handbook for Professionals on Sexual Exploitation by Counselors and Therapists. Therapeutic and prevention issues and employer responsibilities are discussed in this task force report, as well as recommended curriculum for training institutions for counselors and therapists. Stock No. 14-16, \$19.95

OTHER PUBLICATIONS

Our Minnesota. More than 100 full-color photos by Les and Craig Blacklock portray Minnesota in her seasonal beauty, with text from the personal journal of Fran Blacklock's thirty years of traveling the state. Stock #9-23. \$13.95 plus tax.

Historic Sites and Place Names of Minnesota's North Shore. John Fritzen, long time employee of the Minnesota DNR draws upon his almost 40 years as a forester, mostly spent on Minnesota's colorful and legendary North Shore, to regale readers with tales of timbermen, pioneer settlers, miners, commercial fishermen and others. Black and white photos. Stock #9-11. \$3.50 plus tax.

Landscaping for Wildlife. Attract songbirds, deer, butterflies, hummingbirds, pheasants, and other wildlife to your property by using the tips in this 144-page, 4-color book. Stock #9-15, \$8.95 plus tax.

Woodworking for Wildlife. Variety of game bird and mammal box designs, including details on placement in proper habitat areas and maintenance. Stock #9-14, \$3.95 + tax.

Wildlife Set. Both books above, save 15%. Code #9-20, \$10.95 + tax.

Minnesota Manufacturer's Directory, 1991. More than 7,000 entries listing name, address, phone, staff size, sales volume, market area, year of establishment, type of firm, CEO, sales or marketing and purchase managers, and four manufactured products. Stock #40-2. \$85.00.

SUBSCRIPTIONS:

State Register. Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court Calendar, Supreme Court and Tax Court Decisions. Annual subscription: Monday edition only \$140; Monday and Thursday's State Contract Supplement \$195; 13-week trial (includes both Monday and Thursday editions) \$60.00.

Workers Compensation Decisions. Volume 43. Selected landmark decisions of the Worker's Compensation Court of Appeals. Annual subscription. \$130.00.

SERVICES:

Mailing Lists. Lists of Minnesota licensed professionals and permit holders. Write or call (612) 297-2552 for a free mailing list catalog which contains available lists, selections, formats, pricing and ordering information.

American Flag. Perfect for home or office. 3' x 5' with embroidered stars. Heavy nylon bunting. Code No. 6-1. \$21.00, plus tax.

1991 Lake Map Index. Listing over 4,000 lake maps. Free.

State Register Binder. Durable 3½ inches, forest green binders imprinted with the State Register logo. \$6.50 plus 39¢ tax.

